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STATE GOVERNMENT IN MARYLAND

1777-1781

BY

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PREFACE

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STATE GOVERNMENT IN MARYLAND
1777-1781

CHAPTER I.

Organization of the State Government.

Most accounts of the Revolutionary period in American history have partially, if not wholly, neglected local conditions in the separate States. Military events, rather than legal and economic conditions, have chiefly occupied the attention of historians, when the States themselves have been at all considered. But, to understand the real situation, it is necessary to know what measures were taken by the individual governments, and what were the popular sentiments upon the different questions of public policy. The attitude of the States toward Congress before the ratification of the Articles of Confederation has an important bearing upon the doctrine of sovereignty. A survey of the local conditions should reveal whether the power of the British Crown reverted to Congress, as the central authority, or whether, before the consummation of the Confederation, the individual States acted merely as allies leagued together for a common cause.

In the history of Maryland a period most convenient for such an investigation lies between the assumption of power by the new State government, February 5, 1777, and the final ratification of the Articles of Confederation, March 1, 1781. In his monograph, the "Provisional Government of Maryland," Dr. J. A. Silver has already treated the transition from the Provincial to the State government, 1774 to 1777,[1] but he has considered only incidentally the relations to Con-

[1] Johns Hopkins University Studies, Series 13, No. 10.

gress. The purpose in reviewing the four succeeding years, 1777 to 1781, is to exhibit the exact position assumed by Maryland, a typical State, toward Congress. Such a consideration necessarily embraces a rather minute investigation into the varied aspects of the work which the State government accomplished.

The new constitution establishing the State government of Maryland made several very important administrative changes. As an expedient to bridge over the transition from provincial rule, the provisional government is not here to be considered since its institutions had little influence as a basis for the new constitution. The keynote of the reforms inaugurated with the State government was the complete separation of the legislative, the executive, and the judicial functions.

Under the provincial constitution the governor and council had constituted the Upper House of the Assembly. In place of this, the Senate was now instituted, composed of fifteen members, nine from the Western, and six from the Eastern Shore. Every fifth year the senators were selected by a body composed of two electors chosen by the voters of each county. This indirect method of election was designed to secure a mature Upper House dependent upon the people, and not upon the favor of the governor. The old form of the House of Delegates was retained, every county electing four members annually by direct ballot; Annapolis and Baltimore each sent two representatives.[2] The suffrage basis of fifty acres freehold was retained, but the requisite visible property in lieu of this requirement was decreased from forty

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[2] The property qualification for each senator was fixed at £1000; for a member of the House of Delegates, £500. Constitution and Form of Government, Articles 1-24; Mareness, Maryland as a Proprietary Province, 198 and 207; Browne, Maryland, the History of a Palatinate, 103.

to thirty pounds.[3] The Lower House possessed the exclusive right to originate money bills. Otherwise, both branches of the Assembly possessed full legislative powers.[4]

The change in the Assembly provoked opposition at the outset. Several of the newly elected senators planned to prevent a quorum by their non-attendance. In such an event they considered that the constitution would be invalidated, and that the power of forming a new one would revert to the people. Though not heartily supporting the change in government, Daniel of St. Thomas Jenifer consented to attend in order to avert such a crisis. He criticized the Senate especially as not representative, and feared much strife with the House of Delegates leading to the eventual overthrow of the Upper House.[5]

The eligibility of civil officers as members of the Assembly soon caused a disagreement. The Senate could see no reasonable ground to suppose that they might not serve acceptably. The members of the Lower House, always apprehensive of any measure tending to increase the power of the Senate, bitterly opposed this view.[6] The Senate enforced its opinion by rejecting a bill to rescind a resolution which permitted a member of the Assembly to serve until the end of his term if elected meanwhile to a State office.[7] The delegates, equally determined, refused to remove from the new constitution a clause prohibiting persons engaged in the land or marine forces from holding any State office. Militia officers, especially, revolted against this restriction which debarred them from the Assembly.[8]

This difference of opinion, which was characteristic, probably originated in the distinctive methods of election. The

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[3] Steiner, Citizenship and Suffrage in Maryland, 25-27.
[4] For an excellent analysis of the powers of the Assembly cf. McMahon's History of Maryland, 443, and Silver, Provisional Government in Maryland, 51.
[5] Daniel of St. Thos. Jenifer to Chas. Carroll and Other Senators, Feb. 2, 1777, Folio No. 87,232.
[6] House of Delegates Proceedings, Nov. 3, 1777.
[7] Senate Proceedings, Aug. 10, 1779.
[8] Senate Proceedings, July 2, 1780.

Senate, chosen by the intervention of electors, tended to become rather conservative, and tenacious of privileges, while the House of Delegates, composed of the direct representatives of the voters, was necessarily the more popular body. The influence of the Senate was on the whole rather a salutary one, often curbing the impetuosity of the delegates.[9]

Both Houses exhibited a jealous regard for the eligibility of their members. Due notice of all elections was given, great disinclination being displayed to allow the slightest irregularity.[10]

The two Houses vindicated the right to cite before their bars any person publicly accusing members of the Assembly. The Lower House in 1780 arraigned James Hindman, a delegate who had denounced all who had voted against a certain bill, and had even charged the speaker with complicity. A motion to reconsider the right to cite Hindman failed to pass. The House administered a severe reprimand, and committed the offender to the custody of the sergeant at arms upon his refusal to apologize.[11]

In order to ensure a fair hearing, the Assembly refused to receive a petition unless at least two months' notice had been given the inhabitants of the particular parish and county from which it was sent.[12] The presence of numerous witnesses in order to ascertain the real merits of these petitions often produced excessive charges.[13]

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[9] Senate and House of Delegates Proceedings, 1777-1781.

[10] For the election held the first Monday in October, 1777 the sheriffs received orders to give due notice. Council to Sheriffs, Sept. 19, 1777, Archives XVI, 380. The House declared void the election of Peter Quinton held under a writ issued by himself after he had resigned as sheriff. House of Del. Pro., Apr. 5 and 6, 1778.

[11] He was not allowed to resume his seat before a matter of great importance to his county was considered. House of Delegates Proceedings, Nov. 10, 11, 15, 16 and 29, 1780. Cf. chapter on Internal Disturbances for the summoning of Samuel Chase before the Senate.

[12] House of Delegates Proceedings, July 28, 1779; Maryland Gazette, Sept. 17, 1779.

[13] The expense of hearing the petition of Benjamin Mackall and others against Rev. Francis Lauder of Calvert county was reported as £197. This excessive charge was promptly rejected. House of Delegates Proceedings, Dec. 29, 1779.

The non-attendance of sufficient members at the time appointed for opening the sessions of the Assembly presented a serious difficulty. The poor facilities for traveling, and the frequently tardy transmission of the governor's proclamations were partially responsible. This evil increased so greatly in 1780 that the Assembly imposed a fine of twenty-five pounds for each day's absence without a valid excuse.[14] Either this penalty was insufficient or else it was not enforced, for each of the two following sessions were delayed by absent members.[15]

Important changes were made in the executive department. The creation of a Senate had deprived the governor and council of all legislative power. In place of the old system of appointment by the Crown or the Proprietary, the governor and the five members of his council were elected annually by joint ballot of the Assembly.[16] With this method of election the governor did not receive the right of veto. Subordinate to the governor and council, the justices of the peace and a sheriff in each county exercised the principal local power. The former were appointed by the governor upon recommendation of the Assembly. The governor selected as sheriff one of two candidates, elected every third year. Two registrars, one appointed for the Western, and one for the Eastern Shore divided the work of the land office. A similar separation was made of the treasurer's duties.[17]

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[14] Acts of the Assembly, Cap. IV, March session, 1780.

[15] As neither House had a quorum June 7, 1780, the House was opened June 8, the Senate, June 12. In the fall the delay was even greater. Although called to meet Oct. 17, 1780, the House of Delegates did not secure a quorum until Oct. 30; the Senate met Nov. 2, 1780. House of Delegates Proceedings, June 7 and 8, and Oct. 17 and 30, 1780; Senate Proceedings, June 7 and 12, and Oct. 17 and Nov. 2, 1780.

[16] A property qualification of £5000 was imposed upon the governor and the members of his council. Constitution and Form of Government, Articles 25 and 26; Mereness, Maryland as a Proprietary Province, 153 ff.

[17] The jealousy between the two sections of the State, as well as a desire for the more efficient despatch of business, was probably responsible for the differentiation between the two shores. Constitution and Form of Government, Articles 15, 41, 42 and 51.

The Assembly which met February 5, 1777, under the new constitution, February 13 and 14, elected a governor, Thomas Johnson, and his council. The new executive assumed office March 20 upon the dissolution of the council of safety.[18] The organization of the excutive department was completed April 3, 1777, by the appointment of an attorney-general, of the two land registrars, of 8 naval officers, of surveyors, of justices of the peace and of coroners.

Much difficulty was experienced in securing competent civil officials. Only three of the five men elected to the State council February 14, 1777, accepted, and a second choice was necessary in order to complete the requisite number.[19] Although the entire council was reëlected in the fall, nine days after the election only two had qualified. As the exigencies of public business imperatively demanded an executive power, the Assembly quickly filled the vacant places.[20] So strong was this disinclination to serve the State that many officers were only with much difficulty induced to remain at the seat of government.[21] Such an aversion to accept office under a new administration is not remarkable. As salaries increased, and the State government demonstrated its strength, this cause of complaint became less frequent.

The confusion incidental to a state of warfare, and the difficulty of communication were largely responsible for many disputed elections whose validity the executive was called upon to decide. Complaints of unfair elections of sheriffs were numerous in the fall of 1779. The policy of the governor and council was to promote a settled condition of

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[18] Senate Proceedings, Mch. 20, 1777.

[19] Senate Proceedings, Apr. 3, 1777.

[20] Journal of the Council, Nov. 11, 19, 25, and 27, and Dec. 2, 1777, Archives, XVI, 417, 424, and 426; House of Delegates Proceedings, Nov. 20 and 25, 1777.

[21] An ineffectual attempt was made to reduce the salaries of officials who absented themselves from the seat of government. House of Delegates Proceedings, Dec. 25, 1779.

government by deciding in favor of the questioned election wherever the evidence afforded the least warrant.[32]

At first there was much confusion in the land office between the provincial officials and those appointed by the State government. As late as May 1777, the Proprietary's officers granted land under his authority and seal. The official interposition of the governor and council ended this anomalous situation.[33] The Assembly in 1780 finally secured the titles of landholders by abolishing all quit rents.[34]

The chief duties of the executive department devolved upon the governor and his council. Military forces were to be raised, supplies provided, and the difficulties so numerous at this critical period must be met. Such work demanded a strong hand upon the helm of government. The firmness and energy of Thomas Johnson, the first governor, proved fully equal to the task of organization, and of enforcing the measures adopted by the Assembly. The administration of his successor, Thomas Sim Lee, was also efficient.[35]

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[32] In three counties disputed elections of sheriffs were sustained. In only one instance was a new election ordered. Journal of the Council, Oct. 25, 1779, Archives, XXI, 568; Council Proceedings, Nov. 2, and 13, 1779.

[33] Kilty, The Land Holder's Assistant, 278-79. Cf. Steiner, Sir Robert Eden, 139.

[34] Acts of the Assembly, Cap. XVIII, Mch. session, 1780.

[35] In an address to Governor Johnson upon his retirement, the Assembly thanked him "for the firmness, prudence, and integrity" he had displayed in the conduct of public affairs. Senate Proceedings, Nov. 17, 1779.

Thomas Johnson was one of the most earnest advocates of independence in Maryland. A member of the first Congress, he subsequently held many high positions in his native State, and was for a time Associate Justice of the United States Supreme Court. He declined an appointment under Washington as Secretary of State. He was considered one of the most forceful and patriotic among the Revolutionary governors of the States. Scharf, History of Maryland, II, 285-86.

As a testimony to the great esteem in which he was held, Thos. Sim Lee was accorded a unanimous reëlection. Proceedings of the Council, Nov. 13, 1780.

Thomas Sim Lee, though not so distinguished as his predecessor, enjoyed the full confidence of his fellow citizens. He was again elected governor, 1792-94, and was in Congress, 1783-84. Scharf, History of Maryland, II, 488.

The reforms introduced in the judiciary carried out the programme of separating the three departments of the government. The right of justices of the peace to hear petty cases with an appeal to the county court, the ordinary *nisi-prius* tribunal, was not disturbed. The Provincial Court was merged into a General Court, to meet upon each shore, whose three justices were to be appointed by the governor upon the recommendation of the Assembly. A special justice presided over the Admiralty Court, which had formerly been held by one of the Provincial Court justices. A new official, the chancellor, was provided to preside over the Chancery Court in place of the governor. Instead of the governor and council the constitution established a court of appeals to hear cases from the General Courts, from the Admiralty Court, and from the Court of Chancery.[26] The Assembly completed the judicial reorganization by substituting for the old probate system of a commissary general and his deputies an orphans' court in each county to be held by justices of the peace. The constitution had already ordered the appointment of a registrar of wills for every county.[27]

Nominations were made by the Assembly April 3, 1777, for a chancellor, for judges of the General and Admiralty Courts, for registrars of wills and for justices of the peace.[28] The governor and council appointed the justices to serve in the orphans' courts, June 4, 1777.[29] There is no record of a choice for the five judges of the Court of Appeals before December 12, 1778.[30] An important measure for the judicial

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[26] Mereness, Maryland as a Proprietary Province, 229 ff. Constitution and Form of Government, Articles 41, 42, and 56.

[27] To preside in these courts, the governor and council designated seven justices in Anne Arundel, Baltimore, and Prince George counties, five in the other counties, of whom any two might hold court. Acts of the Assembly, Cap. VIII, Feb. session, 1777; Vallette, The Deputy Commissary's Guide, 4-7.

[28] House of Delegates Proceedings, Apr. 1 and 3, 1777.

[29] Journal of the Council, June 4, 1777, Archives, XVI, 273-74.

[30] Senate Proceedings, Dec. 12, 1778.

organization fixed the fees of the judges, the jurymen, and the witnesses in the different courts.[21]

The reëstablishment of judicial procedure constituted a very necessary measure. The suspension of all suits by order of the convention had greatly confused judicial business. The Assembly decreed that after July 1, 1777, suits might be begun, and that all civil actions pending July 26, 1775, should be reinstated in their former conditions. Legal procedure under the Provincial government was declared valid under the new administration. The county courts were to meet as under former laws. The first sitting of the General Court was fixed, for the Eastern Shore at Talbot courthouse the second Tuesday in September, for the Western Shore at Annapolis the second Tuesday in October. Two annual sittings on each shore were provided. Although the Assembly appointed the first Tuesday in October, 1777, for the initial session of the Court of Appeals, as has already been shown, the justices of this court were not named until late in 1778. Two annual sessions of the Court of Appeals were held.[22]

The alarms of British invasion, the difficulty of communication, the calls upon the militia, and various other reasons incidental to the disturbed condition of the State often caused great irregularity in holding the courts. The county courts were especially subject to such interruptions. The

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[21] In the General Court each juryman and witness received 15s. per diem. Witnesses and jurymen were allowed itinerant fees also. For the orphans' and county courts the per diem was 15s. for justices, and 10s. for witnesses with itinerant charges when they came from another county. Acts of the Assembly, Cap. XVII, Oct. session, 1777.

[22] Acts of the Assembly, Cap. XV, Feb. session, 1777. Most of the cases carried over by this act were compromised, or else abandoned. The following case is typical: Jno. Cretin had brought suit against Ann Flanagan for cutting down 200 oak trees valued at 70s. each, the property of the complainant, and then ploughing the land for her own use. The case was continued from the September term, 1772, of the Provincial Court to the October term, 1778, of the General Court for the Western Shore. As the complainant failed to appear at the time set for the trial, the defendant was awarded the charges and costs. Court Records, 64, 427.

necessary attendance at the sessions of the Assembly of many of the attorneys and of other persons having business with these courts frequently conflicted with the regular sittings. All these causes necessitated the acts, which were frequently passed by the Assembly, for the adjournment or the revival of the county courts.[83] Other measures provided for the postponement of the higher courts to accommodate the members of the Assembly.[84]

This irregularity of the courts, as well as the generally confused condition of this period, led to the forfeiture of many recognizances. Usually the governor and council granted the numerous petitions for the remission of such forfeitures.[85]

The non-attendance, not only of witnesses, but of jurymen, and even of constables, increased the legal confusion. Notwithstanding the liberal fees allowed, this practice became so great that the fines for such neglect were increased to as much as £200.[86] The Assembly further tried to remedy this evil by fixing fees in tobacco rather than in the practically worthless paper money.[87]

Needed reforms in judicial procedure were not altogether neglected. A proposal of the House of Delegates to revise completely the criminal law failed, although the Senate pro-

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[83] Acts of the Assembly, Caps. XI, and XV, Feb. session, 1777; Caps. I, and XII, Oct. session, 1778; Caps. VI, and VII, Mch. session, and Cap. II, July session, 1779; Caps. XI, and XII, Mch. session, 1780.

[84] Acts of the Assembly, Caps. I, and XIX, Mch. session; Cap. XI, June session, and Caps. VIII, and XIX, Oct. session, 1780.

[85] Cf. particularly the petition of Luther Peacock, June 17, 1778, Blue Book No. 4, 54, and that of residents of Cecil county, Mch. 13, 1778, Brown Book No. 9. In both cases the forfeiture was due to the British invasion. Other instances are found.

[86] Acts of the Assembly, Cap. XVI, July session, 1779.

[87] Witnesses in the General Court received 80 lbs. of tobacco per diem, in the orphans' and county courts, 40 lbs. per diem, and itinerant charges where they were from another county. The per diem allowed justices of the county or orphans' court was 80 lbs. of tobacco, that given jurymen was 40 lbs., while jurymen of the General Court received 80 lbs. Acts of the Assembly, Caps. XVII, and XVIII, Oct. session, 1780.

posed a joint recess committee to consider this undertaking.[38] As the records of the Assembly for this period show no further action, this revision was probably overshadowed by the many important matters for the consideration of the Assembly. A law to facilitate judicial proceedings made depositions before a justice of the peace legal testimony, except in case of disputed land boundaries. Commissions to perpetuate testimony were also legalized.[39] Another reform provided that an allowance to any one of the judges was unnecessary in a writ of *certiorari* or *habeas corpus* issuing out of the General Court to any State court in a civil cause.[40]

Much moderation had been displayed in the change from a Provincial to a State government. Old laws and institutions had been disturbed no more than was necessary. As a result of this conservatism, combined with the efficient work of the council of safety, and of the committee of correspondence, the difficulties encountered in the organization of the State government were mainly those to be expected in the ordinary course of adjustment.

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[38] Senate Proceedings, Dec. 12, 1778.

[39] Except in sickness or contemplated absence, a notice of 20 days must be given the person against whom the deposition was made. Acts of the Assembly, Cap. VIII, Mch. session, 1779.

[40] Acts of the Assembly, Cap. IV, July session, 1779.

CHAPTER II.

Attitude Toward Congress.

After the State government had become established, the attitude toward Congress became of prime importance. The disposal of the northwestern lands was the main issue involved in the long delay to ratify the Articles of Confederation. The title to these lands, which included the vast territory between the Ohio, the Mississippi, and the Great Lakes, formed the subject of conflicting claims.

As the British Crown by the Quebec Act in 1763 had assumed exclusive ownership of this region, posession apparently reverted to the Continental Congress after the Declaration of Independence. Both Virginia and New York, however, asserted that, by old charters and rights of conquest, or treaty, the northwestern territory was under their respective jurisdictions. Massachusetts and Connecticut claimed portions of these back lands.[1]

In order to appreciate rightly the opposition exhibited by Maryland to any but a common ownership of the northwestern territory, the general policy adopted toward the Continental Congress must be considered. By electing six delegates the Assembly at its first session evinced a desire to be represented in the deliberations of Congress. The ability displayed by these representatives, and by those chosen later, attests the importance attached to Congress by the State government.[2]

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[1] For a more complete account of these conflicting claims, cf. Adams, Maryland's Influence upon Land Cessions to the United States. The present study claims to have used fuller material, and especially to illustrate more adequately the motives which animated the course of Maryland. Any noteworthy disagreements with Prof. Adams' work will be noted.

[2] The delegates to Congress during this period included many of the most eminent men in Maryland. The constitution had imposed a property qualification of £1000 for these representatives.

The irregularity of elections and the indifference of the delegates formed one of the chief difficulties in securing the attendance of delegates. In one instance, the absence from Congress of all the Maryland representatives made a new election imperative.[3] To prevent repetitions of such a contingency, the Assembly in 1780 fixed the annual election of delegates in November, creating a certain rotation in office.[4] The President of Congress soon after officially complained that Maryland was not represented. A final determination had not been reached on the question of the back lands, and the council adopted prompt measures to remedy such ill-timed apathy.[5]

While desirous of being represented adequately, Maryland quickly resented any assumption by Congress of arbitrary power. The attempted arrest of Governor Eden in 1776 under direct authority of Congress had elicited a prompt remonstrance. Refusing to accede to this demand, the council of safety had nevertheless admitted the supreme authority of Congress over the colonies, but the convention, by implication, disavowed any such acknowledgment. The right of Congress even to displace any State officer whose conduct might be hostile to the American cause was denied, and the

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It is almost superfluous to mention the great services of Charles Carroll of Carrollton, whose sobriquet, "the First Citizen," was widely known. Cf. Rowland's Life of Charles Carroll.

Another prominent delegate was John Hanson, afterwards President of Congress, a leader in the struggle for common ownership of the back lands, and a man of eminence in State issues. Cf. Thomas' John Hanson.

Other prominent men who served as delegates were: Wm. Carmichael, Secretary of the American Commission at Paris, and Chargé d'Affaires at Madrid; Daniel of St. Thos. Jenifer, President for three years of the Maryland Senate, and a man of great influence in the State; Daniel Carroll, who was in the Federal Constitutional Convention, and as a member of Congress was instrumental in securing the location of the national capital at Washington; Wm. Paca, later governor of Maryland, and U. S. District Judge. Cf. House Documents No. 100.

[3] Senate Proceedings, Nov. 13, 1778.

[4] Senate Proceedings, Apr. 7, 1780.

[5] Council to John Hanson, and Jno. Henry, May 26, 1780, Council Correspondence, 107.

resolutions insisted that the State did not desire a complete separation from Great Britain, if it could be avoided.[6] Maryland afterward acceded to the Declaration of Independence; yet the convention refused to define exactly the powers of Congress, merely declaring that the Continental authority should be exercised "in adopting the wisest measures for equally securing the rights and liberties of each of the United States, which was the principle of their union."[7] The State government continued this policy by a bold resistance in at least two instances to encroachments by Continental officials upon the prerogative of administration.

Complaints were received in April, 1777, that Captain Nicholson of the Continental frigate Virginia had forcibly impressed citizens of Baltimore. The council sharply reprimanded such conduct, ordering the immediate relase of the maltreated seamen.[8] Captain Nicholson's reply to this reproof was disrespectful and even defiant. He insinuated that the rebuke was much influenced by the hostility of the council toward himself as one of the participants in the Whig Club riot. The impressment of seamen, he asserted, was a common practice. Moreover, his letter intimated that had he not been assured of the support of Congress, such a course would not have been adopted. He boldly concludes that, as he had acted in this way from a sense of duty to his country, he cared not "for the threats of any council of Maryland."[9]

Such an intemperate letter from a Continental officer elicited an immediate and vigorous protest. The remonstrance, addressed to the President of Congress and couched in no uncertain terms, asserted that if, as had been implied, Congress really approved Captain Nicholson's

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[6] Council of Safety to Md. Deputies, Apr. 18, 1776, Archives, XI, 354-56; also Convention Proceedings, May 21, and 22, 1776. Cf. Steiner, Sir Robert Eden, 105 ff, and Silver, Provisional Government in Maryland, 35 ff.

[7] Convention Proceedings, Nov. 9, 1776.

[8] Council to Capt. Nicholson, Apr. 24, 1777, Archives, XVI, 226.

[9] Capt. Nicholson to Gov. Johnson, Apr. 25, 1777, State Papers No. 70, 197.

action, such a proceeding was contrary to the laws and constitution of Maryland and could in no case be tolerated. Endeavoring to appease the indignant State, Congress disclaimed affording countenance to any Continental officer in violating State laws or in treating its magistrates with contempt. Captain Nicholson was suspended from his command until he made the satisfaction required by the executive of Maryland.[10] A very conciliatory tone was adopted in notifying the council of this resolution, and leniency was bespoken for Captain Nicholson who was a most efficient officer.[11] The council administered a sharp reproof to Captain Nicholson, accepting his apology, and the affair ended.[12] The council, by vindicating its insulted dignity in this incident, had amply demonstrated to Congress that Maryland would not permit any coercion or the violation of any State right.

A somewhat similar incident in 1778 aroused the indignation of the Assembly. Major Henry Lee of the light horse cavalry instructed one of his officers to obtain horses for his dragoons on the Eastern Shore. He was to exercise powers of seizure if the generous price offered was refused. Although the governor had been empowered to afford every aid in obtaining horses for the army, the Assembly considered that, in issuing this order, the Board of War had altogether exceeded its authority. A resolve prohibiting all

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[10] Journal of Congress, II, 112; also Council to the President of Congress, Apr. 26, 1777, Archives, XVI, 229-30. A letter to the Maryland delegates in Congress strongly defined the position assumed by the State. If Capt. Nicholson's action really had the tacit approval of Congress, the letter declared: "We have very little business in our present stations, nor do we care how soon it is generally known if the fact is that the power of the Continental officers is universal, and in no wise controllable by any internal civil authority in the separate Sates." Council to Md. Delegates in Congress, Apr. 26, 1777, Archives, XVI, 230.

[11] Robert Morris to Gov. Johnson, May 1, 1777, Archives, XVI, 236-38.

[12] Capt. Nicholson to Gov. Johnson, May 5, 1777, State Papers No. 70, 209; Council to Capt. Nicholson, May 8, 1777, Archives, XVI, 244.

such seizures, together with Major Lee's instructions, was forwarded to Congress.[12]

Imbued with this independent spirit, the attitude of Maryland toward aggression by another State was a foregone conclusion. The project for a closer union was at first heartily supported, and the delegates to Congress were instructed in 1777 to vote for such a plan, reserving to the Assembly the power of ratification and of approving the admission of any additional colony to the Confederacy.[13] Such a proposal, emanating from Maryland before Congress had submitted a definite plan, proves that in the long delay for ratification the State did not reject the principle of union, but rather the terms of the compact.

Before the plan of union adopted by Congress was received, an element of discord had appeared. The House of Delegates, November 8, 1777, ordered the reading of an important motion passed by the convention, October 30, 1776, after the adoption of the Virginia constitution which had advanced an extensive claim to the back lands. As a reply to Virginia, this resolution epitomised the position subsequently assumed by Maryland, declaring "that the very extensive claim of the State of Virginia to the back lands hath no foundation in justice, and if the same or any like claim is admitted, the freedom of the smaller States, and the liberties of America may be greatly endangered, this convention being firmly persuaded that, if the dominion over those lands should be established by the blood and treasure of the United States, such lands ought to be considered common stock to be parcelled out at any time into convenient, free, and independent governments."[14] This last proposition is almost prophetic.

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[12] House of Delegates Proceedings, June 12, and Senate Proceedings, June 13, 1778.

[13] House of Delegates and Senate Proceedings, April 19, 1777. Prof. Adams has failed to mention this important proposal. In fact, his investigation is confined chiefly to the Journals of Congress, and to Hening's Statutes at Large.

[14] House of Delegates Proceedings, Nov. 8, 1777; Convention Proceedings, Oct. 30, 1776. Prof. Adams, confining his attention chiefly

The question of the northwestern territory had come up in 1776 in the controversy over the land bounties allowed recruits. Congress had evaded the avowal of any decided course, and had adopted a temporizing policy.[16]

The strength of this spirited opposition to the claims of Virginia was soon put to the test. The resolution of October 30, 1776, recalled the firm attitude of the convention upon the back lands controversy. Within less than two months the Assembly was compelled either to recede from this bold position, or else resolutely to maintain the policy of a common ownership for the back lands.

Congress sent out the Articles of Confederation, November 15, 1777, for the approval of the States.[17] Not only did this proposed plan make no attempt to settle the jurisdiction over the back lands, but the omission was intentional. After the rejection October 15, 1777, of a motion to secure a determination by Congress of the boundaries of each State, two resolutions of somewhat similar tenor had been proposed. The first empowered Congress to fix the boundaries of States claiming to the South Sea, and to dispose of the land beyond these limits for the benefit of the entire Confederation. The second resolution added the proposition of Maryland that this back land should be laid off in independent states. Both measures were lost, Maryland alone voting for the latter.[18] So strong was the opposition to these resolutions that a clause was inserted in the Articles of Confederation that no State should be deprived of its territories for the benefit of the United States. Connecticut was the

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to the Journals of Congress, has not noticed this resolution, which prepares the way for the resolution in Congress Oct. 15, 1777, and the declaration of the Md. Assembly, read May 2, 1779, which he has so greatly emphasized. This resolve of the convention is necessary to establish his proof of the influence of Md. Cf. Adams, Maryland's Influence upon Land Cessions to the U. S., 22-25.

[16] Cf. Silver, Provisional Government in Maryland, 56-59. Prof. Adams makes no mention of this controversy.

[17] Journal of Congress, II, 334-35.

[18] Journal of Congress, II, 290-91.

only one of the States claiming either the whole or a part of the northwestern territory that voted against this measure.[19]

The determination to resist the pretensions of Virginia and New York overcame momentarily the strong sentiment in Maryland for a closer union. The reply of the Assembly upon the receipt of the Articles of Confederation was speedy and trenchant. After offering minor recommendations, the main objection to ratification was embodied in a remonstrance which reiterated the attitude already assumed by the convention. For a lasting union the Assembly considered that Congress should be endowed with full power to limit the boundaries of States claiming to the Mississippi or to the South Sea. The remonstrance asserted that Maryland, in common with other members of the Confederation, was entitled to the land westward of the Alleghanies. The delegates to Congress from the State were exhorted to employ their utmost efforts to have this remonstrance made part of the Articles of Confederation.[20]

In additional instructions to the delegates in Congress, the Lower House of the Assembly afforded a proof of the State's patriotism, promising that Maryland would continue to contribute her quota of men and money for the war, would pay her part of all money borrowed or issued by Congress, and would be bound by all treaties made by that body. As the Senate apparently did not confirm this addition, it can only be considered as quasi-official.[21]

By the remonstrance to Congress, Maryland had declared in unmistakable language an unalterable opposition to the appropriation by any individual State of the back lands which, as the property of the British Crown, rightfully descended to Congress.

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[19] Journal of Congress, II, 304.

[20] The minor amendments proposed; 1st. That the Articles should be so changed that no State would be burdened with the maintenance of the poor moving in from another commonwealth; 2d. That the Articles should be so construed that only land already surveyed or granted should be required to pay taxes. House of Delegates Proceedings, Dec. 16, 1777.

[21] House of Delegates Proceedings, Dec. 17, 1777.

The Assembly reaffirmed its position June 20, 1778, resolving that the delegates to Congress should consider themselves bound by their instructions, and should ratify, after Congress had given a positive answer, only by the express authority of the Assembly.[32] Such explicit instructions committed Maryland to a policy of non-ratification until a settlement of the question of jurisdiction over the back lands.

Rejecting the minor amendments, Congress continued a temporizing policy upon the all-important question, postponing consideration of a motion founded upon the remonstrance of Maryland.[33] The strong opposition of many delegates to consider any amendments partially caused this delay. The necessity for a Confederation was immediate, and there was fear that the time consumed in submitting amendments to the different States would prove most injurious to the Continental cause.[34]

Maryland was not alone in regarding the back lands as common property. An amendment proposed by Rhode Island asserted that they should be held by the whole Confederacy, but reserved jurisdiction to the States in which they were situated. This motion was promptly rejected.[35] An amendment brought forward by New Jersey made the same provision for jurisdiction, but declared that, as the property of the enemy, the Crown lands should be used for the benefit of all the States to defray the expenses of the war.[36] This amendment was lost, and on the same day Congress definitely rejected the resolution proposed by Maryland.[37]

Although Rhode Island and New Jersey had not taken so advanced a stand as Maryland, these proposed amend-

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[32] Senate Proceedings, June 20, 1778.
[33] Journal of Congress, II, 598.
[34] Md. Delegates in Congress to the Md. Assembly, June 22, 1778, Life of Chas. Carroll, II, 7-9.
[35] Journal of Congress, II, 601.
[36] Journal of Congress, II, 605.
[37] Journal of Congress, II, 600, and 606.

ments indicate the intention of the smaller States to resist aggression by their larger neighbors. Like Maryland, neither Rhode Island nor New Jersey could expand westward, and if the claims of New York or Virginia were allowed, they were in like danger of being overawed by more powerful States. The respective motions for amendment were lost, but public sentiment at least had been awakened upon the question of the back lands.

As all the others had submitted powers of ratification, July 9, 1778, a circular was sent to the recalcitrant States, Maryland, Delaware, and New Jersey, asking them to consent at once to the Articles of Confederation. Even Rhode Island, by ratification, had abandoned the fight against the threatened domination of the Confederation by States with great territorial extent.[28] New Jersey also receded from her bold front, and ratified November 25, 1778, under a conviction of the necessity for union, even though still convinced of the reasonableness of the objections offered.[29]

Undeterred by these desertions, the Assembly issued a declaration December 15, 1778, reiterating with somewhat stronger emphasis the former arguments for a common ownership of the back lands.

Again the State promised to bear a full share of the burdens of war, and to favor a closer union. Yet it was considered fundamentally unjust that Maryland should contribute to campaign expenses without receiving a share of the proceeds from the sale of conquered lands. The Assembly would, therefore, accede to the confederation only after the insertion of an article empowering Congress to fix the boundaries of States, and ordering that the money from the sale of the remaining public lands should be used for the common benefit. The extensive claims of certain States to the entire Western country as far as the Mississippi or the South Sea was considered without foundation and

[28] Journal of Congress, II, 618.
[29] Journal of Congress, III, 135.

injurious to Maryland and to other States in similar circumstances. The declaration concluded with a significant warning that, if these divisions of opinions persisted, any disasters from this cause would be attributed to those responsible. This declaration, which was intended to define publicly the position of the State, was laid before Congress January 6, 1779, but discussion was postponed, and it does not appear to have been entered upon the journal.[30]

The instructions sent the Maryland delegates in Congress afford a fuller insight into the motives actuating this opposition to any but a common ownership of the back lands. If the States succeeded in making good their claims to the northwest territory, the Assembly was confident that the spirit prompting such action would cause aggression upon their weaker neighbors by depopulation, if not by open force. Virginia, for example, by offering cheaper land, might attract a large part of the population of Maryland. Equally to be opposed was the proposition to form of this large tract a new State dependent upon the States claiming the land. So far as the Assembly saw, either this plan had been proposed to lull suspicion, or else the interested States wished to profit by an immediate sale of the lands. Fully convinced that this unsettled territory should be parcelled out by Congress into "free, convenient, and independent governments," the Assembly again forbade the delegates to agree to the Articles of Confederation unless the desired amendment was inserted. The concluding sentence of these instructions brings into bold relief the spirit animating the Maryland Assembly: "We have spoken with freedom, as becomes freemen, and we sincerely wish that these our representations may make such an impression on that assembly (Congress) as to induce them to make such additions to the Articles of Confederation as may bring about a permanent union."[31]

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[30] Senate Proceedings, Dec. 15, 1778; Journal of Congress, III, 176.
[31] Senate Proceedings, Dec. 15, 1778.

These instructions were read before Congress May 21, 1779, and were entered upon the journal. The same day the delegates from Connecticut presented powers to ratify with twelve States only, provided Maryland was not excluded from afterwards entering the union.[33] Delaware had already ratified, still protesting against the unfairness of the Articles of Confederation, but relying upon the other States to remedy this objection.[33] In still resisting ratification Maryland, therefore, stood alone. If the proposal of Connecticut had been followed, the anomalous position of the one dissenting State might have proved exceedingly precarious. At such a crisis, the instructions and the declaration making plain the attitude of the Maryland Assembly were strong factors in arousing public sentiment to a full realization of the important issues involved in the controversy.

The policy of Virginia at this juncture was not designed to procure any compromise. As if in defiance of the attitude assumed by Maryland, the Virginia Assembly founded a land office for the survey and granting of unappropriated lands.[34] Such an arrogant assumption of authority over lands in dispute was most inopportune, and could only aggravate the conflict This action quickly brought the question before Congress. The owners of the large Vandalia and Indiana tracts in the Western country laid a petition before Congress, September 14, 1779, protesting against the measure of Virginia. Before the Declaration of Independence, the memorialists alleged, the Crown had transferred from Virginia this land which had been purchased from the Indians. It was held, consequently, not subject to Virginia exclusively, but to all the States as represented by Congress. The memorial petitioned that Congress inter-

[33] Journal of Congress, III, 281-83. Professor Adams failed to notice this most important proposition.
[33] Journal of Congress, III, 201-2.
[34] Hening, Statutes at Large, X, 50 ff.

vene and suspend the operations of the land office opened by Virginia until the question had been fully considered.[85]

With the issue squarely presented, three courses lay open to Congress; to support the claims of Virginia and other States to the back lands; to accede to the demands of Maryland that they become public property; or, adopting neither of these courses, to evade a final determination. This last temporizing policy was adopted. Compelled to take some definite action, Congress merely requested that the Virginia Assembly reconsider its recent action; other States similarly situated were asked to forbear from settling or granting unappropriated land during the continuance of the war.[86]

Virginia had already forbidden further settlement north of the Ohio,[87] but this rather equivocal resolution of Congress elicited an emphatic remonstrance. The law prohibiting settlement in the northwest had been passed, the Assembly declared, to give every possible satisfaction to Congress, and to promote harmony between the States. Any exercise by Congress of powers of adjudication in this territory was considered a most dangerous precedent, since the boundaries of the States had been fixed in their charters. If Congress persisted in such a course, open conflict was even intimated, for Virginia was unwilling to give up her territory. To States not possessing suitable districts, the Assembly offered land for soldiers upon the same terms as to the Virginia veterans. Finally, the remonstrance declared that, while every reasonable sacrifice would be made by Virginia to the ostensible cause for delay in final ratification, any assumption of jurisdiction in the Indiana or the Vandalia cases would be promptly repudiated.[88]

This remonstrance placed Virginia in direct opposition to Maryland. Congress still hesitated to take definite action,

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[85] Journal of Congress, III, 359.

[86] Journal of Congress, III, 384; as a sign of approbation, the Maryland Senate ordered this resolution engrossed upon its journal. Senate Proceedings, Nov. 12, 1779.

[87] Hening, Statutes at Large, X, 161-62.

[88] Hening, Statutes at Large, X, 557-59.

but signs of the influence exerted by Maryland were not wanting. An act of the New York Legislature read before Congress March 7, 1780, empowered the delegates from the State to make an entire, or a conditional cession of the claims to Western lands.[39] Virginia as yet gave no sign of yielding.

Meanwhile public sentiment in Maryland showed no intention of reversing the bold front already assumed. In the controversy between the Senate and the House over the confiscation of British property, the former suggested that if the taxes required by Congress could not be raised otherwise, the back lands, as the property of the Crown, should be sold rather than confiscate the property of private citizens of Great Britain.[40] Part of a somewhat similar argument elaborated by the Senate at the next session of the Assembly exhibits especially the aim of Maryland's policy with regard to the back lands. "To render them useful to the whole of the United States, and to each State in particular, the authority of all must interpose to regulate on what conditions the land shall be purchased and held by the purchasers, and to define the limits of such States as are not accurately defined, to erect new governments, and to prescribe the terms upon which they shall be admitted to the present union."[41]

The influence upon national sentiment of the unwavering policy of Maryland became manifest September 6, 1780, when Congress assumed a more determined position. Although careful not to examine into the intrinsic merits of the controversy, this resolution admonished the States that, by following the example set by New York and surrendering their claims, they would remove all embarrassments arising from

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[39] Journal of Congress, III, 439, and 582-86; Professor Adams attempted to show, through a letter to Gen. Schuyler, a definite influence of Maryland upon this act of the New York Legislature. Cf. Adams, Maryland's Influence upon Land Cessions to the United States, 29-32.

[40] Senate Proceedings, Dec. 23, 1779.

[41] House of Delegates Proceedings, May 14, 1780.

the western lands. The pressing necessity for a Federal union was urged, while the resolution asserted that a determined non-surrender of these claims endangered the Confederacy.[42]

A later resolution, which exhibited still more the influence of Maryland, directed that any ceded, unappropriated land should be formed into States of not less than one hundred nor more than one hundred and fifty miles square, to be parts of the Federal Union, with the same privileges as other members. The resolution also provided that the United States should be reimbursed for the defense of these lands, and that Congress should be empowered to fix the terms on which they were to be granted and settled.[43]

Following the proffered cession by New York, the assumption by Congress of this definitive position was not without influence upon Virginia. In response to the recommendations of Congress, January 2, 1781, the Virginia Assembly resolved that as "the safety, strength, and happiness" of the colonies was dependent upon the ratification of the Articles of Confederation, the State yielded her claims to lands northwest of the Ohio River for the benefit of all the States. An added proviso required that the plan which Congress had adopted for dividing the territory should be carried out.[44]

This complete abandonment of the defiant position which had been assumed by Virginia bears evident traces of the influence exerted by Maryland. In a letter to Edmund Pendleton, September 12, 1780, James Madison had assigned the claims of Virginia to the back lands as the exclusive obstacle to final ratification. He considered that a compliance with the resolutions of Congress would bring Maryland into the Union.[45] The at least partial result of this

[42] Journal of Congress, III, 516-17.
[43] Journal of Congress, III, 535.
[44] Hening, Statutes at Large, X, 564-67.
[45] Jas. Madison to Edmund Pendleton, Sept. 12, 1780, Madison Papers, I, 50-51. Edmund Pendleton had been Speaker of the House of Burgesses, and was at this time President of the Va. Court of

message from so distinguished a representative in Congress is found in the reason given by the Virginia Assembly for the cession. This surrender by Virginia virtually secured for the back lands the status for which Maryland had contended. The latter could now ratify without fear of injurious territorial pretensions by the neighboring State.

The Maryland Assembly was not slow to accept this acknowledgment of the justice of its views. The House of Delegates, January 29, 1781, asked the Senate to reconsider the bill for ratification, as the question of the northwest territory might now be left to the honor and justice of the country.[46] This reasoning prevailed, although the Senate still considered the old form of union best fitted to promote the cause of the back lands.[47] As finally passed, this act empowered the Maryland delegates in Congress to ratify in behalf of the State. The Assembly did not relinquish the position that had been so long maintained, but relied upon the justice of the other States, not insisting upon an amendment.[48]

The power to ratify was laid before Congress February 12, 1781. New York made a definite cession of claims to the back lands March 1, 1781, and the same day the new Confederation became a reality. The Articles of Confederation were signed in behalf of Maryland by John Hanson afterwards president of Congress, and by Daniel Carroll who, with his colleague, had been influential in bringing the question of the western lands before the country.

Throughout the controversy over the back lands, the same spirit of independence was preserved which had repelled

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Appeals. Prof. Adams does not seem to assign to this letter its true importance. Cf. Adams, Maryland's Influence upon Land Cessions to the United States, 34.

[46] House of Delegates Proceedings, Jan. 29, 1781. Just when news of the cession by Virginia reached Maryland is not definitely known. Probably intelligence of such vital importance was conveyed in a very few days. Such a speedy transmission would account for the subsequent action of the Assembly.

[47] House of Delegates Proceedings, Jan. 30, 1781.

[48] Acts of the Assembly, Cap. XL, Oct. session, 1780-81.

with so much vigor any undue interference by the Continental authorities or by Congress in the affairs of the State. The attitude of Maryland had been that of an ally acknowledging the power of Congress only so far as the interests of the State were furthered. Other States had soon receded from their objections to the Articles of Confederation, but Maryland, undeterred by the threats of Virginia, had pursued an unfaltering course. The desire for a Confederation, so early expressed, had not been forgotten in the struggle. When a fully aroused national sentiment had become unmistakably favorable, the Assembly consented to ratification, conscious that the title to the great northwestern territory had been secured to the States in common. Even the plan proposed by Maryland for the organization of these lands was followed essentially in the Ordinance of 1787. By insisting upon a common ownership of the back lands, Maryland had prepared the way for what was one of the most important measures in the history of the United States.

CHAPTER III.

Military Aid.

The aid to the Continental army during the period 1777 to 1781 forms probably the most important phase of the support which Maryland accorded Congress. Situated between the northern and southern campaigns, the abundant resources of Maryland were not exhausted by much actual conflict, or by the presence of large bodies of troops. The response to the requisitions of Congress should have been ready and full, yet even in this work the State exhibited at times an independent attitude. These efforts to help the army naturally fall into three divisions: first, recruits; second, supplies; third, care for British prisoners.

Under the Provisional government a large number of troops had already been furnished, but so much difficulty was encountered in filling up the battalions assigned the State that early in 1777 recruits were exempted from arrest for small debts, and an increased bounty was offered.[1] Later the Assembly ordered 2000 enlistments apportioned among the different counties. Besides giving liberal bounties, this act appointed special recruiting officers in each county who were to receive large rewards for effective work. The results were not altogether satisfactory.[2]

In view of the near prospect of French aid, February 26, 1778, Congress asked Maryland to complete her quota for

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[1] Acts of the Assembly, Cap. III, Feb. session, and Cap. VIII, June session, 1777.

[2] Acts of the Assembly, Cap. VIII, Oct. session, 1777. As an illustration of the response, the muster rolls, which are not always complete, show that 50 recruits were enlisted in Anne Arundel county, 53 in Frederick county. The respective quotas were 145 and 253. Muster Rolls, Archives, XVIII, 312 ff.

the prospective campaign.[3] As a strong public sentiment opposed compulsory service, the only apparent expedient, this requisition provoked much discussion. The Assembly finally complied by ordering the enlistment of 2902 men by draft upon the militia, if necessary. Hoping to employ such compulsory means only as a last resort, the council ordered all bounties paid at once.[4] Recruiting under this act produced more satisfactory results, and was practically concluded by June. Much opposition had been manifested in Baltimore and St. Mary's counties, while in Queen Anne county the sheriff had been directed to employ force for the execution of the law.[5]

The opposition to drafts became so strong in 1779 that a member of the Assembly openly declared that it was better to submit to the British than to impose upon the people a measure to which he was convinced they would not submit.[6] The numerous losses of the Maryland Line by sickness and the expiration of enlistments demanded immediate measures to supply the deficiencies.[7] Although evidences of public support were not lacking, the Assembly did not risk a draft, but passed an act in October for the enlistment of 1400 men

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[3] Journal of Congress, II, 457-59; eight battalions of 504 men each, and the German regiment were assigned to Maryland.

[4] The militia of every county was formed into the requisite number of classes from each of which a recruit was to be drafted unless a substitute had been furnished by May 20, 1778. Enlistments already made under the act of Oct., 1778, were included in the 2902. Acts of the Assembly, Cap. V, Mch. session, 1778; Council to County Lieutenants, April 12, 1778, Archives, XXI, 32.

[5] Under the acts of Oct., 1777, and Mch., 1778, there were 187 enlistments in Anne Arundel county, 324 in Frederick, 32 in Calvert, 125 in St. Mary's, and 124 in Charles. The respective quotas were: Anne Arundel, 185; Frederick, 309; Calvert, 74; St. Mary's, 140; Charles, 145. Doubtless there were numerous other enlistments which are not included in the available muster rolls. Muster Rolls, XVIII, 315 ff. Council to the Lieutenant of Queen Anne County, Feb. 11, 1778, Archives, XVI, 487-88, and to Sheriffs, June 9, 1778, Archives, XXI, 127.

[6] Senate Proceedings July 29, 1779.

[7] The shortage in the Maryland Line was 957 in the summer of 1779. House of Delegates Proceedings, Aug. 5, 1779; Baron Steuben to Gov. Johnson, Sept. 24, 1779, Archives, XXI, 536-37.

with greatly increased bounties.[8] This measure was so unsuccessful that February 29, 1780, Washington estimated that there was a deficiency of one-third in the Maryland battalions.[9] When Congress urged the necessity for a draft, the Assembly, maintaining the independent attitude of the State, merely prolonged the time limit of the last recruiting act.[10]

A conflict between State and Continental interests was brought on in 1780 by a requisition for 2205 militia in addition to recruits for the regular battalions.[11] The approaching harvest, and the difficulty in equipping such a force made a compliance almost impossible. Instead the Assembly offered to enlist an extra regiment of 531 men beside the 1469 recruits to fill up the State battalions. This plan was considered much more satisfactory to the militia, leaving them to pursue their ordinary vocations in peace without fear of being forced into military service. This arrangement for the convenience of the State was accepted by Washington who stipulated that the extra regiment should be ready by the end of July.[12] The measures to enlist these recruits from the militia proved so unsuccessful that hardly one-half the promised number was obtained.[13] Early in September, Washington ordered the regiment provided in lieu of the militia to go south with the greatest haste. Apparently

[8] Acts of the Assembly, Cap. XXXVI, Oct. session, 1779. The second battalion of Maryland militia had passed resolutions affirming their full support of all measures taken by the State government. Maryland Gazette, July 9, 1779.

[9] The available records show 274 recruits enlisted under this act, Muster Rolls, Archives, XVIII, 332-36. Washington to Gov. Lee, Feb. 20, 1780, Brown Book No. 1, 28.

[10] Journal of Congress, III, 432; acts of the Assembly, Cap. II, Mch. session, 1780.

[11] This force was to serve three months and to rendezvous by July 25. Committee of Coöperation to Gov. Lee, June 2 and 12, 1780, Folio 87, 178, and 182.

[12] Gov. Lee to Washington, undated but supposed to be in 1780, Folio 87, 197-98; Washington to Officers of the Assembly, June 27, 1780, Brown Book No. 1, 35.

[13] Acts of the Assembly, Caps. X, and XXIII, June session, 1780. 1036 recruits were enlisted, of which only 228 were in the extra regiment. House of Delegates Proceedings, Dec. 12, 1780.

little effort had been made to fulfill the agreement, for hardly half of the proposed regiment actually marched the latter part of October.[14]

In a report November 14, 1780, estimating a deficiency of over one-half in the State's quota, General Gist, commander of one of the Maryland brigades, proposed a plan of permanent organization for the Maryland Line.[15] While unwilling to adopt so advanced a step, the Assembly imposed upon property-holders a draft of 1000 recruits for the southern campaign, provided they could not otherwise be obtained. This, the last recruiting act before the ratification of the Articles of Confederation, proved quite successful.[16]

The Continental army was also aided by artillery forces from Maryland. Two-thirds of the artillery companies stationed at Baltimore and Annapolis were ordered to the front in 1777. The deficiencies in this service rendered these reinforcements specially welcome, and they were finally included in the quota of the State.[17] Owing to the great expense and little use of the forces remaining at Baltimore and Annapolis, in July, 1779, the effective part was ordered to camp, the enlistment of additional men for this service at the front being authorized.[18] The baneful State jealousy, which interfered so seriously with the organization of the

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[14] Washington to Gov. Lee, Sept. 6, 1780, Folio 87, 242; Maryland Gazette, Oct. 6, 1780; Council to Board of War, Oct. 25, 1780, Council Correspondence, 201.

[15] Gen. Gist estimated that 1051 men were needed to complete the Maryland battalions, but only 1434 were on duty. As he put the available male population at about 30,000, a force of 3385 constantly kept in the field would not have proved burdensome. Gen. Gist to the Chairman of the House of Delegates' Committee, Nov. 14, 1780, Brown Book No. 3, 31.

[16] Acts of the Assembly, Caps. XLIII, and XLIV, Oct. session, 1780. Exclusive of Baltimore and Frederick Counties, 200 enlistments under this act are recorded in the muster rolls. Muster Rolls, Archives, XVIII, 366 ff.

[17] Acts of the Assembly, Cap. V, Mch. session, 1778; Senate Proceedings, Nov. 12, 1777; Journal of Congress, II, 296-97.

[18] Senate Proceedings, Mch. 24, 1779; Council to Samuel Chester, Sept. 15, 1779, Archives, XXI, 526; Acts of the Assembly, Cap. XV, July session, 1779.

Continental army, appeared also in the effort to preserve the individuality of the Maryland artillery.[19] Refusing to form these companies into a separate corps, Washington proposed to annex them, still under the command of Maryland officers, to the Virginia artillery.[20] This proposal was accepted, but to guard against any possible infringement in the rights of the Maryland soldiers the Assembly insisted that officers should be appointed only upon recommendation of the State executive.[21]

The German regiment, which Congress in 1778 had included in the Maryland troops, was continued as a separate organization.[22] A number of recruits were enlisted for this corps, chiefly from the large German population of Frederick county.[23] Difficulty in filling up the State battalions caused so strong a sentiment against aiding independent corps that several fruitless attempts were made to form an additional battalion of the Maryland Line by uniting part of the German regiment with Col. Rawlings' rifle battalion.[24]

Maryland furnished other troops not included in the State battalions. Recruiting officers from outside worked to such an extent that serious results were apprehended in raising the State's own quota, and in 1777 the Assembly was obliged to forbid the enlistment of recruits in any but the Maryland battalions.[25] These enlistments caused much dissatisfaction, especially those made by officers from Pennsylvania and Delaware. The scarcity of men and labor was very great,

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[19] Council to Gen. Smallwood, Oct. 27, 1779, Council Correspondence, 33.

[20] Gen. Knox to Washington, Dec. 21, 1779, Brown Book No. 1, 26.

[21] Senate Proceedings, May 9, 1780; House of Delegates Proceedings, Jan. 31, 1781; Council to the Board of War, Feb. 2, 1781, Council Correspondence, 136.

[22] Journal of Congress, II, 457-59.

[23] Muster Rolls, Archives, XVIII, 78 ff., and 320-26.

[24] Senate Proceedings, Apr. 11, 1780; Col. Rawlings' corps of riflemen was raised partly in Md. under a resolve of the convention. Muster Rolls, Archives, XVIII, 77.

[25] Acts of the Assembly, Cap. VIII, June session, 1777; Maryland Gazette, May 1, 1777.

and it was felt that these outside enrollments should lighten somewhat the requisitions for troops.[26]

Occasional permission was given to enlist men for independent organizations, but no hesitation was shown in disregarding the wishes of Congress in this particular. Count Pulaski was assisted in 1778 to obtain recruits for his legion. These men were placed upon the same footing as those in the State battalions, and counted in the quota of Maryland.[27] When Pulaski, in 1779, again asked permission to make enlistments under the authority of Congress, his request was refused upon the pretext that the new recruiting law applied only to the Maryland Line.[28] Recruiting officers of Colonel Armand's regiment met with a similar rebuff.[29]

Major Henry Lee, Jr., in 1780, was permitted to enlist for his light horse corps twenty men who should count in the State quota. Major Lee had already obtained a number of recruits in Maryland.[30]

The plan adopted by Congress October 3, 1780, finally settled the status of the independent corps. All the soldiers of such battalions after January 1, 1781, were to be incorporated in the corps of their respective States.[31]

In filling the State battalions, the inability to hold enlisted men in camp caused much trouble. The loose discipline of the Revolutionary army, and the unwillingness of many recruits to serve outside their own State promoted such

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[26] At least a regiment, it was claimed, had been enlisted by Delaware and Pennsylvania, and about 300 in the Flying Camp. Before such enlistments were counted in the State quota, over 100 men had been recruited for Pulaski's legion. Council to Md. Delegates in Congress, Mch. 26, 1779, Archives, XXI, 328-29.

[27] Senate Proceedings, Apr. 21, 1778; Council to Capt. Keeports, Apr. 21, 1778, Archives, XXI, 48; about 26 recruits were enlisted in Baltimore and Anne Arundel counties. Muster Rolls, Archives, XVIII, 317-19, and 593.

[28] Council to the Chevalier de la Place, Apr. 20, 1779, Archives, XXI, 354-55.

[29] Council to the Chevalier de la Place, Apr. 15, 1779, Archives, XXI, 348.

[30] Senate Proceedings, Apr. 15, 1779; Muster Rolls, Archives, XVIII, 586-87.

[31] Journal of Congress, II, 532-33.

action. The mutual State jealousies, and the little respect often shown the wishes of Congress naturally produced these conditions. The Assembly in 1777 ordered the arrest of such deserters, while Congress offered $10 for each one returned to the army.[32] Numerous advertisements for their apprehension are found in the newspapers of the day, yet desertions became so prevalent that the council requested all justices of the peace to compel enlisted men to join their regiments.[33] Not one-half of the recruits enlisted by the act of June, 1780, remained in the Continental army.[34] Such wholesale desertions justified the subsequent measure offering large rewards for the apprehension of deserters, and severely punishing persons who harbored them.[35]

Recruits were not confined to free citizens. The enlistment of servants and apprentices, at first authorized, was soon prohibited, though the repeal of the law was not altogether effective.[36] Owing to the frequent desertions, Washington discountenanced such enlistments.[37] The Assembly in 1780 stopped the flagrant abuses by masters who sold servants with only a short period of servitude remaining, in order to obtain the bounty money.[38]

Convicted criminals were enlisted under a law absolving recruits from crimes already committed. Pardons were

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[32] Acts of the Assembly, Cap. II, Feb. session, 1777; Journal of Congress, II, 293.

[33] Maryland Gazette, June 5, 1777.

[34] 1036 were enlisted, but only 381 remained in active service. Report of Gen. Gist, Nov. 14, 1780, Brown Book No. 3, 31.

[35] Beside the $10.00 continental reward, the State offered $15.00 in Spanish money for each deserter apprehended who had enlisted for the war, $12.00 if he had enlisted for only three years. Upon conviction of harboring or concealing a deserter, the offender was considered a soldier enlisted for either two or three years; if he was the father of the deserter, he must procure a recruit, or pay a fine of £35. Acts of the Assembly, Cap. XLIII, Oct. session, 1780.

[36] Acts of the Assembly, Cap. III, Feb. session, and Cap. X, June session, 1777.

[37] Council to Saml. Smith, Mch. 26, 1778, Archives, XVI, 553.

[38] Acts of the Assembly, Cap. XLIII, Oct. session, 1780.

issued in several instances on condition that the recipient should enlist and not desert.[39]

A law of March 1778, ordered that all vagrants should be regarded as recruits, while in 1780 the enlistment of slaves was permitted with the master's consent. A number of vagrants were sent to the army, but few, if any, slaves.[40] Recruits of this kind do not appear to have given much satisfaction. Not serving from patriotic motives, they frequently deserted to the enemy.[41]

The Continental army received effective aid from the Maryland militia on several occasions. The entire militia force of the State might be called out by the governor and council in times of invasion, but only one-fifth was to be ordered outside the State.[42] In response to a call for 2000 militia in 1777 to repel the British attack on Philadelphia, a large force joined the Continental army.[43] The men were not very willing to undertake such service outside the State, and in Anne Arundel county force was necessary to suppress an organized combination of the militia against this compulsory service.[44] When the British evacuation of Philadelphia seemed imminent, May 17, 1778, Washington asked for about 500 Maryland militia to relieve the regular force guarding the supplies stored at the Head of the Elk. Hastening to meet this requisition, the council ordered the men to

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[39] Journal of the Council, Archives, XVI, 187 ff, and XXI, 1 ff. In one case five persons condemned by the Baltimore County court were pardoned on condition they enlist. Journal of the Council, Mch. 26, 1778, Archives, XVI, 552.

[40] Acts of the Assembly, Cap. V, Mch. session, 1778, and Cap. XLIII, Oct. session, 1780. No record of slave enlistments appears, 1777-1781. There are a few of vagrants. Muster Rolls, Archives, XVIII, 326, 327, and 329.

[41] Maryland Journal, Oct. 7, 1777.

[42] Acts of the Assembly, Cap. XVII, June session, 1777.

[43] The exact number of these militia forces is not known, but over 1000 Maryland militia fought in the battle of Germantown. Muster Rolls, Archives, XVIII, 652.

[44] Council to Col. Robosson, Sept. 1, 1777, Archives, XVI, 356-57.

march at once, not even waiting for arms which would be supplied upon their arrival.[45]

The effectiveness of recruits was greatly enhanced by the militia laws. The Assembly in 1777 ordered the immediate enrolment of all males between sixteen and fifty years of age. This law, which was enforced by heavy fines, provided for the complete organization of the militia, and appointed regular days for exercise.[46] An act for the more effective collection of militia fines became necessary in 1778. The same year articles were promulgated to preserve discipline while the militia was in actual service.[47] A special committee reported in 1780 that, owing chiefly to the carelessness of officers and the lack of arms, the militia was in a very inefficient condition. To remedy this situation the Assembly ordered a new enrolment, abolishing the practice of obtaining exemption from militia duty by finding a substitute. Later, more effective provision was made for militia exercise.[48]

The attempt of the Assembly, in 1777, to settle controversies over rank in the Maryland Line afforded another instance of State jealousy. The Assembly finally acquiesced in the proposal made by Washington to refer the entire matter to a board of officers, but the governor and council were still empowered to fill vacancies.[49] The wise policy of Governor Johnson in making no appointments unless authorized by Congress avoided much confusion from the ambiguous measure.[50] The Assembly increased the complication November 21, 1778, by a decision that Maryland officers

[45] Washington to Gov. Johnson, May 17, 1778, Folio 87, 236; Council to the Lieutenant of Queen Anne County, May 23, 1778, Archives, XXI, 21.

[46] Companies were formed of not over 50 to be exercised at least seven times in a year. The companies were formed into battalions, exercised every three months. Acts of the Assembly, Cap. XVII, June session, 1777.

[47] Acts of the Assembly, Caps. XIII, and XIV, Mch. session, 1778.

[48] Acts of the Assembly, Cap. III, June session, and Cap. XXXI, Oct. session, 1780.

[49] House of Delegates Proceedings, Mch. 3, 1777; Senate Proceedings, Apr. 11, 1777.

[50] Gov. Johnson to (probably the Board of War), Jan. 11, 1778, State Papers No. 70, 237-39.

should rank according to the provisions of the convention, and that Washington could only alter any mistakes in precedence between officers of similar rank.[51] The officers had supposed that Washington possessed full power to remedy the many abuses which had been permitted. There was even danger that as a result of this meddlesome action many of them would resign from the Maryland Line. By the summary appointment of a board to report on all questions of rank and precedence, Washington averted this serious blow.[52] The governor again displayed his sagacity, confirming the decisions of this board.[53]

Great liberality was displayed toward the recruits in the provisions for pensions. The act allowing half-pay to disabled officers and privates, under which a large number of pensions were granted, was afterward extended to all officers who continued in service until the close of the war.[54] As a further mark of appreciation, December 12, 1778, each officer was voted a gift of £150.[55]

Exertions were also made to help imprisoned officers and privates. To ameliorate the condition of other prisoners, the council ordered the return of Continental officers, who had been allowed their liberty by the British and had violated their paroles.[56] Despite the wish of Congress to bring the exchange of prisoners under central authority, Maryland, in common with the other States, exchanged captives taken

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[51] Senate Proceedings, Nov. 21, 1778.

[52] Washington to Officers of the Assembly, Apr. 10, 1779, Folio 87, 239-40.

[53] Council to Washington, July 9, 1779, Archives, XXI, 469-70. The council had always displayed a great unwillingness to interfere, or to remove officers. Even in the cases of two unpopular and inefficient officers, the executive refused to take any action, Council to Chas. Rumsey, June 1, 1779, and to Capt. White's Company, Aug. 25, 1779, Archives, XXI, 436 and 503.

[54] Acts of the Assembly, Cap. XIV, Oct. session, 1778; Senate Proceedings, Mch. 25, 1779; Muster Rolls, Archives, XVIII, 626 ff.

[55] Senate Proceedings, Dec. 12, 1778.

[56] The Council was especially solicitous for the apprehension and return of Capt. Richard Davis, said to have fled to the Western country. Council to Daniel Hughes, Sept. 16, 1779, Archives, XXI, 527.

within her own boundaries for officers and privates of the State troops.[57] After an unsuccessful attempt to alleviate the sufferings of officers imprisoned in New York, £50 was ordered to be sent to each officer in captivity.[58]

Although the exact results of these efforts to obtain recruits in Maryland cannot be given, the accessible records show a marked disparity between enlistments in 1777 and 1778, and those in 1779 and 1780. This inequality is most significant in view of the more drastic recruiting laws and the measures to render the State forces more effective. The inference would be that, by the end of 1778, the first exuberance of patriotic fervor had passed, and that the inclination of the citizens of the State to serve in the Revolutionary army had greatly decreased.[59]

Besides furnishing recruits, Maryland supported Congress by forwarding large quantities of military supplies.

The poverty of the State treasury and the arbitrary conduct of purchasing agents frequently presented serious obstacles in obtaining provisions. Despite these hindrances, both the recruiting officers and the army received large supplies from the State during 1777.[60]

Throughout the severe winter at Valley Forge every effort

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[57] Journal of Congress, II, 422-24; Council Proceedings, Sept. 23, 1780; Council to Dan'l Hughes, Feb. 23, 1781, Council Correspondence, 196.

[58] Council to Henry Sheaff, Nov. 8, and to Richard Harrison, Apr. 24, 1780, Council Correspondence 206, and 93; Senate Proceedings, Jan. 5, 1781.

[59] The following table, compiled from the Muster Rolls, Archives, XVIII, gives the known number of enlistments in Maryland during the respective years. Many undated enlistments are omitted. The table shows, therefore, that no less than the number given were enlisted in the respective years. Doubtless there were others not recorded. The same incompleteness is found in summing up the number of deserters. Those given are desertions from the list of recruits as recorded for each of the four years. The numbers show that almost 14 per cent of the recruits left the army in this manner.

	1777	1778	1779	1780	Total.
Enlisted	1735	2081	459	328	4603
Deserters	260	266	83	23	632

[60] Journal of the Council, Archives, XVI, 187 ff.; Maryland Gazette, Dec. 4, 1777.

was made to provide for the army. The failure of the Continental purchasers to obtain an adequate supply induced the council to appoint purchasers of cattle with powers to seize them as a last resort.[81] The Assembly confirmed this assumption of authority at a critical juncture by the appointment of an agent in each county with similar powers.[82] A reasonable advance on the low prices paid by these officials was allowed in June, on supplies already obtained, in order to conciliate the people, if possible, to such arbitrary measures. As an abundant supply of beef had been procured, further purchases were stopped.[83] The high prices, especially in Cecil county, where Pennsylvania agents had also purchased supplies, caused much trouble in this work.[84] Much corn and wheat had been delivered by March 10, 1778, at the principal Maryland magazine situated at the head of navigation on the Elk River.[85]

The scanty crops and the activity of speculators so advanced prices that, to procure supplies for Congress, an embargo was laid upon provisions. The law against speculation was continued.[86] Although prices remained high, particularly in Harford county, almost the whole of an

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[81] Journal of the Council, Jan. 7, 1778, Archives, XVI, 456-57.

[82] In all cases of seizures, certificates were given the owner payable by the State Treasurers. Such forcible means were employed only after a fair price had been offered. In most acts conferring this power, agents were authorized to seize all supplies above what was absolutely necessary for the subsistence of the owner and his family. Acts of the Assembly, Cap. I, Mch. session, 1778.

[83] Council to Wm. Bond, July 29, 1778, Archives, XXI, 170.

[84] The withdrawal of these Pennsylvania agents was requested. Gov. Johnson to Gen. Gates, Mch. 6, 1778, State Papers No. 70, 245.

[85] This magazine, commonly called the Head of the Elk, was at the northeastern extremity of navigation upon the Bay, and was the most convenient point, accessible by water, from which to forward provisions to the Jerseys or to Philadelphia. By Mch. 10, 1778, 5000 bushels of wheat and 5000 bushels of corn had been delivered here. Contracts had been made in all for 36,000 bushels of wheat, 10,000 bushels of corn, and other provisions. Report of Henry Hollingsworth, Mch. 10, 1778, State Papers No. 70, 247.

[86] For a fuller account of these laws, cf. chapter on Commerce. Congress made a requisition, Aug. 24, 1778, for 20,000 barrels of flour from Maryland, Delaware, and Virginia. Journal of Congress, III, 31 and 77-78.

additional requisition for flour had been secured in 1779 before the end of May, chiefly by the State purchasers.[67] By prohibiting the operations of Continental agents where State purchasers had been appointed, Congress ended the frequent clashes between these different officials, and materially aided the efforts to procure supplies.[68]

Despite the substitution of salt and powder in exchange for wheat instead of the almost worthless paper money, the need of the army became so alarming that the Assembly appointed purchasing agents in each county empowered to seize when necessary.[69] Fear was even expressed that the army would be compelled to disband unless provisions were furnished. In such a crisis, the governor enjoined all State officers to carry out fully the laws for collecting provisions.[70] To relieve the grave situation of the army, Governor Lee gave orders that provisions be sent on at once, not waiting in so critical a juncture for the consent of his council.[71]

The exhaustion of the resources of many States by the trying winter of 1780 to 1781 induced a request on June 2, 1780 for a large monthly supply from Maryland.[72] This

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[67] Council to H. Hollingsworth, Apr. 26, and to Gouverneur Morris, May 28, 1779, Archives, XXI, 366, and 429. The additional requisition was for 10,000 barrels of flour by the end of June. Gouverneur Morris to Md. Delegates in Congress, Apr. 2, 1779, Archives, XXI, 338.

[68] Journal of Congress, III, 412; Maryland Gazette, Sept. 10 and 24, 1779.

[69] Acts of the Assembly, Cap. XXXII, Oct. session, 1779; as much as 8000 bushels of salt was to be exchanged for wheat at the rate of one pound of salt for two pounds of wheat. Council to R. Buchanan, Oct. 5, 1779, Archives, XXI, 550. Several barrels of powder were ordered placed at the principal mills of Frederick county, one pound of powder to be exchanged for one bushel of wheat. Council to N. Bruce, Oct. 18, 1779, Archives, XXI, 561.

[70] Besides a previous requisition for 15,000 barrels of flour, Dec. 11, 1779 Congress asked for 5000 barrels of flour, and 500 barrels of Indian corn before April 1, 1780. Journal of Congress, III, 410; Council Proceedings, Dec. 29, 1779.

[71] Gov. Lee to Col. Peregrine Tighlman, Mch. 13, 1780, Council Correspondence, 76.

[72] The monthly supply asked consisted of 2500 barrels of flour, 143,045 pounds of beef, and 11,428 bushels of grain for forage. 30,000 pounds of bacon in three equal parts was also asked for. Committee of Coöperation to Gov. Lee, June 2, 1780, Folio 87, 178-81.

resolution was not disregarded, and the purchasers appointed in the fall of 1779, who had accomplished very little, were ordered to exert the power of seizure whenever at all necessary. Additional agents were appointed in each county to purchase salt meats. Orders for large quantities of bacon had already been given.[73] As the harvest had been abundant, it was hoped that a plentiful supply of wheat would be obtained at the prices fixed by the Assembly without unnecessarily employing force.[74] The continued depreciation of the currency joined to the poverty of the State treasury so greatly hindered the work of the purchasing agents that the State was unable fully to comply with the Continental requisitions.[75]

The necessity of an adequate supply for the army operating in the South was met in October, 1780, by a tax levied partly in provisions.[76] The need for cattle was recognized early in September by orders to send them forward immediately. 500 cattle to fill a requisition of Congress were promptly collected, but as no Continental officer appeared to receive them at the Head of the Elk, part were sold to provide forage.[77]

In addition to these provisions, clothing and blankets were furnished the Maryland Line. Agents appointed April 2, 1777, to receive blankets proved so unsatisfactory that such

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[73] Acts of the Assembly, Caps. XXV, and XXI, June session, 1780; Council to Thos. Donnellson, June 12, 1780, Council Correspondence, 113.

[74] Council to J. C. Harrison, July 29, 1780, Council Correspondence, 144.

[75] Council to Commrs. of Purchase, Aug. 21, and to J. C. Calhoun, Sept. 5, 1780, Council Correspondence, 156 and 168. Under the June act, 12,212⅜ bushels of wheat, 1094 barrels of flour, 20,976 pounds of bacon, and several small items were secured. This report was exclusive of Somerset, Queen Anne, Caroline, or Washington counties. House of Delegates Proceedings, Nov. 18, 1780.

[76] Journal of Congress, III, 517. Acts of the Assembly, Cap. XXV, Nov. session, 1780.

[77] Council to Jas. Hindman, Sept. 11, 1780, Council Correspondence, 176; Council to Md. Delegates in Congress, Nov. 22, 1780, Council Correspondence, 12.

supplies were purchased in Alexandria, Virginia.[78] As the fall advanced, the condition of the Maryland troops became pitiable; clothing, blankets, even stockings were needed. Special officers were appointed in each county to collect blankets and clothing, seizing all surplus supplies, and every housekeeper in the State was asked to furnish a pair of good white stockings.[79] Another order was sent to Alexandria for large supplies of clothing and blankets. The insufficient supplies obtained made much exertion necessary to alleviate the sufferings of the Maryland troops at Valley Forge, as, barefoot and almost naked, they endured the rigors of a severe winter.[80] Large quantities of clothing were sent General Smallwood's troops, and the continued exertions of collectors soon supplied the Maryland Line, although shirts and blankets were still needed in July.[81]

Though unexpected, a requisition, September 10, 1779, for clothing to be sent the State troops was promptly met, yet there was danger that, without aid from the Continental stores, the large quantity of materials on hand would prove insufficient. Large orders were given throughout the fall for blankets and clothing, and such supplies were rushed forward in January with the utmost haste.[82] All the blankets and clothing on hand in Baltimore were sent in the spring to Annapolis in order to supply the troops on their way south.[83] The loss of all their baggage entailed much suffering upon the Maryland troops, but the State could only partially supply the deficiency.[84]

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[78] Journal of the Council, Apr. 2, 1777; Council to Jenifer and Hooe, May 13, 1777, Archives, XVI, 196 and 250.

[79] Acts of the Assembly, Cap. IV, Oct. session, 1777; Gen. Smallwood to Gov. Johnson, Nov. 8, 1777, Archives, XVI, 413-14.

[80] Council to D. Crawford Nov. 20, 1777, Archives, XVI, 419-20; Washington to Gov. Johnson, Dec. 29, 1777, Archives, XVI, 448.

[81] Council to John Randall, Feb. 13, 1778, Archives, XVI, 494-95.

[82] Council to Gen. Smallwood, Sept. 24, 1779, Archives XXI, 536; Council to Capt. Keeports, Jan. 1, 1780, Council Correspondence, 50.

[83] Council to Gen. Smallwood, Apr. 27, 1780, Council Correspondence, 94-95.

[84] Council to Board of War, Sept. 22, 1780, Council Correspondence, 186.

For the benefit of the officers in the Maryland Line, spirituous liquors, coffee, and other luxuries, as well as clothing, were bought to be sold them much below the current cost.[85] While the privates were at least partially provided with clothing by Congress, in the fall of 1778 no provision had been made for the Maryland officers. They were so destitute of clothing or of the means of obtaining it at the prevailing high prices that there was danger need would compel many of them to leave the army. The council took immediate steps to obviate such a contingency, giving numerous orders to supply them with clothing.[86] The great lack of clothing, owing to the exorbitant prices prevailing in 1779, actually caused the resignation of several officers. The Assembly relieved this situation by liberal provisions for both clothing and luxuries to be supplied at little cost to the officers.[87]

The Maryland troops passing south in 1780 were given a hogshead of rum to attest the appreciation of their services. A large supply of coffee, tea, rum, tobacco, and sugar was ordered, to be sold them below cost. The officers were given money for the journey besides a large quantity of clothing.[88]

The Assembly greatly assisted the transportation of supplies for the army. The governor and council were empowered in 1778 to impress vessels or wagons whenever necessary for the conveyance of Continental stores.[89] In response to a requisition made by Congress, June 2, 1780,

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[85] Senate Proceedings, Apr. 21 and 22, 1778.

[86] J. Henry, Jr., to Gov. Johnson, Oct. 27, 1778, Archives, XXI, 7; Journal of the Council, Archives, XXI, 227 ff.

[87] Washington to Gov. Johnson, Aug. 26, 1778, Archives, XXI, 504-05; Senate Proceedings, May 7 and 11, 1780.

[88] Council to Capt. Keeports, Mch. 27, 1780, Council Correspondence, 84.

[89] Acts of the Assembly, Cap. VIII, Mch. session, 1778. 100 wagons with horses were impressed at one time in Frederick county to convey supplies to Edenton, N. C. In Washington county the authorities were ordered to impress 50 wagons and horses for the transportation of supplies to Carlisle. Other instances of the impressment of vessels as well might be cited. Journal of the Council, May 4, and Aug. 5, 1778, Archives, XXI, 66 and 175.

the Assembly not only provided that horses and wagons might be accepted in lieu of the treble taxes upon disaffected persons, but even ordered the appointment of agents in each county to purchase them. The number of good horses already obtained in Maryland for the cavalry having made them scarce and very high, the Continental authorities were obliged to reject as unfit for service many of the ones which were collected.[90]

To expedite the march of Continental troops through the State, justices of the peace might hire or even impress vessels and wagons upon the application of any officer. Quarters were provided at the expense of Congress, and if no other accommodation was available, troops might be billeted upon private citizens.[91] Congress was asked to aid in the erection of barracks at Annapolis, at Frederick, and at the Head of the Elk.[92]

Vessels were impressed in 1780 to transport the Maryland troops from the Head of the Elk to Petersburg on their southward march, while the council in addition attempted to furnish them with provisions.[93] Warrants were again issued August 1, 1780, to impress vessels for conveying troops from Annapolis on their way south.[94] In order to provide for the transportation of Lafayette's 1500 troops from the Head of the Elk, February 27, 1781, General Gist prohibited any vessels from leaving Baltimore. This summary action upon the plea of necessity was approved by the council.[95] If General Gist had not been a most popular officer of the Maryland Line, there would probably have been an outcry against Continental aggression.

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[90] Acts of the Assembly, Caps. XXV and XXVII, June session, 1780; Gov. Lee to the President of Congress, June 19, 1780, State Papers No. 70, 261; House of Delegates Proceedings, Dec. 26, 1780.

[91] Acts of the Assembly, Caps. IV, and XIV, Feb. session, 1777.

[92] Acts of the Assembly, Cap. X, Feb. session, 1777.

[93] Council to H. Hollingsworth, Apr. 24, 1780, and to David Poe, April 27, 1780, Council Correspondence, 93, and 96-7.

[94] Council Proceedings, Aug. 1, 1780.

[95] Gen. Gist to Gov. Lee, Feb. 27, 1781, Brown Book No. 3, 24; Council to Jas. Calhoun, Feb. 28, 1781, Council Correspondence, 211-12.

Much difficulty was experienced to procure sufficient arms for the defense of the State. To encourage gun factories, money was advanced, and all persons engaged in manufacturing firearms for the State were exempted from military duty.[96] The enhanced price of iron and steel was the source of much hindrance in this work.[97] For at least part of the period 1777 to 1781, the State owned a gun-lock factory at Frederick.[98] So many public and even private arms had been sent with the different battalions that in April, 1777, the Assembly asked Congress for 2000 stands of arms. Only 1000 were granted with the promise to repay the rest as soon as they could be spared.[99] The county lieutenants in 1777 were requested to make out lists of the military stores in their respective jurisdictions.[100] The scarcity of arms became truly alarming when the danger of a British invasion appeared imminent, and in 1780 another list of military stores was called for, orders being given to repair all arms at the expense of the State.[101]

Large quantities of powder and lead were sent to the army. The Continental stores of lead becoming very low in 1778, even though the State supply was small, two tons were spared for the use of Congress.[102] 30,000 pounds of powder

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[96] Acts of the Assembly, Cap. VIII, June session, 1777. A typical contract is that by which John Razor agreed to furnish 100 muskets for £3 15s. apiece to be delivered in monthly instalments of 12. The governor and council furnished locks, barrels, and bayonets; also advancing £157 10s. upon Razor's bond to fulfill the contract. Journal of the Council, Sept. 15, 1777, Archives, XVI, 376-77.

[97] Journal of the Council, Aug. 28, 1777, Archives, XVI, 219.

[98] Acts of the Assembly, Cap. IV, June session, 1778.

[99] Council to the President of Congress, Aug. 21, 1777; Secretary of the Board of War to Gov. Johnson, Oct. 18, 1777, Archives, XVI, 221 and 400. Altogether, with the different companies it was estimated that 5400 stands of arms had been sent to the Continental army. Only 1100 had been returned. Council to Md. Delegates in Congress, Apr. 7, 1778, Archives, XXI, 15.

[100] Council to Lieutenants in the Counties, Feb. 10, 1779, Archives, XXI, 296-97.

[101] Council to different County Lieutenants, May 19 and 20, 1779, Archives, XXI 402 and 406; also June 29, 1780, Council Correspondence, 123.

[102] Council to Wm. Lux, Mch. 19, 1778, Archives, XVI, 542.

from the magazine at Frederick were delivered to the Continental agent in 1779, but Congress scarcely appreciated the sacrifice the State incurred in refusing the high prices offered by private persons.[103] An additional supply of 15,000 pounds of powder was sold to Congress in 1780, although the public store was materially decreased and little was left in private hands.[104]

Material aid was rendered in caring for British prisoners. Complying with a resolution adopted by Congress, February 25, 1777, all the British confined in Baltimore were sent to barracks prepared for them at Fort Frederick.[105] At first the attempts to secure a guard failed, but with an increase of prisoners more determined efforts were made to secure the necessary militia.[106] In case the magazine formed at Fort Frederick of all provisions collected west of South Mountain proved insufficient, it was suggested that Virginia might help with supplies from just across the Potomac. As an effective guard proved almost impossible, a proposal was made to let prisoners out to work in the neighborhood of Fort Frederick. The Continental authorities refused their assent to this plan since all prisoners of war had been ordered in close confinement until British rigor abated toward American prisoners.[107] Service in the militia greatly inconvenienced the farmers, and in the spring of 1779 the Board of War finally gave permission to hire out the prisoners.[108]

The necessity of guarding and supplying British prisoners

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[103] Finding that this powder was sold, and not lent to Congress, the Continental authorities endeavored to have the State take it back, even after it had been brought to Baltimore. Council to Board of War, Nov. 19, 1779, Council Correspondence, 40.

[104] Council to Board of War, July 29, 1780, Council Correspondence, 146-47.

[105] Council to Maj. N. Smith, May 9, 1777, Archives, XVI, 246.

[106] Council to Gen. Gates, Feb. 18, 1778; Journal of the Council, Feb. 23, 1778, Archives, XVI, 506-7, and 516.

[107] Council to Gen. Gates, Mch. 27, Chas. Beatty to Gen. Gates, Feb. 5, and Gen. Gates to Gov. Johnson, Feb. 11, 1778, Archives, XVI, 555-57, 491, and 490.

[108] Council to Dan'l Hughes, Apr. 23, 1779, Archives, XXI, 363.

was soon renewed. The prisoners at Philadelphia increased so greatly that in 1779 the Board of War ordered 400 of them to Fort Frederick. Thoroughly convinced of the futility of attempts to call out the militia, the Assembly ordered the enlistment of not over 84 men to form a permanent guard for these prisoners.[109] Preparations were made in the fall of 1780 to receive the convention troops which Congress, fearing an attempted rescue by the British, had ordered from Charlottesville to Fort Frederick. The recruits unfit for active service, yet able to march, were formed into a guard.[110] As only part of the necessary supplies could be obtained in Maryland, Virginia was asked to aid.[111] The first division of about 800 men started by November 10, 1780. Supplies and, if necessary, additional barracks were ordered, while two companies of militia received commands to guard the prisoners upon their arrival.[112] The 1500 men composing the second division did not leave Virginia.[113]

The prisoners arrived at Frederick in a wretched condition, needing shoes as well as clothing. The meager accommodations afforded by the barracks added to the general misery. The exertions of the governor and council to remedy this situation were not altogether successful, even though supplies were immediately rushed forward.[114]

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[109] Acts of the Assembly, Cap. XIII, Mch. session, 1780; Council to Dan'l Hughes, Sept. 11, 1779, Archives, XXI, 521-23.

[110] Journal of Congress, III, 521; Council to Col. Moses Rawlings, Nov. 6, 1780, Council Correspondence, 205.

[111] Council to Gov. Jefferson, Oct. 30, 1780, Council Correspondence, 202.

[112] Council to Col. Moses Rawlings, Nov. 10, 1780, Council Correspondence, 209; the German residents of the western part of the State were especially kind to these prisoners who were chiefly Hessians. Although provisions were rather scarce, in February the exertions of the State government soon obtained a sufficient supply. Von Eelking, The German Allied Troops, 216-17.

[113] Journal of Congress, III, 554.

[114] Council to the Assembly and to Geo. Murdock, Dec. 6, 1780, and Feb. 20, 1781, Council Correspondence, 37 and 187. The British prisoners in Western Maryland were afterwards augmented by part of Cornwallis' troops. Many of them worked out in the neighborhood and earned the money to purchase their freedom, usually settling permanently in the State. Such persons were known as redemptioners. Steiner, Western Maryland in the Revolution, 51 ff.

Although the results of these efforts to afford military aid fell far short of the requisitions by Congress, they were at least commensurate with the resources of Maryland. In fact the actual help which was extended to the Continental cause proved the loyalty of a State continually disturbed by Tory insurrections in its most productive part.[115]

An independent attitude was assumed in declining at first to follow the recommendations of Congress for a draft. The refusal to allow Pulaski and Armand to recruit for their commands in Maryland in 1779 was in direct opposition to the resolves of Congress. The jealous attempts to regulate the ranks of officers, and to keep the Maryland troops distinct were also the acts of an ally rather than of a State subject to the power of Congress.

Both Governor Johnson and Governor Lee exhibited a willingness to help, and in crises even exceeded their powers. Altogether, while retaining the power to reject any measure considered detrimental to Maryland, the State government had materially aided the Continental cause during the period 1777 to 1781, probably the most critical part of the Revolutionary struggle.[116]

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[115] Cf. the chapter on Internal Disturbances.

[116] The following table gives the approximate expenditures for military aid, Mch. 22, 1777, to Mch. 1, 1781. As only items have been used whose object is positively stated, the actual sum expended was probably larger than is here shown. Up to Mch. 28, 1778, the table was compiled from the Journal of the Council, Archives, XVI. The rest was taken from the Md. Account Book in the Library of Congress. The item "recruits" embraces all bounties paid, and other incidents of this service; also any money advanced to the officers and men of the Maryland Line. "Militia" includes the expenses of procuring arms, as well as legitimate expenses connected with the employment of the militia.

	1777			1778			1779		
	£	s.	d.	£	s.	d.	£	s.	d.
Recruits	24,794	10	4	41,746	11	4¼	100,021	11	9½
Militia	42,989	8	10	49,992	14	2¼	62,265	16	10
Provisions	46,754	1	7½	197,453	..	3½	456,472	8	11½
Clothing	12,932	5	7	77,460	12	7¼	25,138	7	10¼
Prisoners	5,704	12	8	9,346	6	4	6,518	9	7½
Total	133,174	19	½	375,999	4	9¼	650,416	15	¾

	1780			1781		
	£	s.	d.	£	s.	d.
Recruits	476,329	4	..	7,007	4	10
Militia	28,190	17	5	....	..	..
Provisions	188,517	1	5½	593,993	1	2½
Clothing	102,026	19	12½	350,089	18	9
Prisoners	1,289	..	4½	109	..	..
Total	796,353	3	3½	951,199	4	9½

Total for the four years, £2,907,143 6s. 11½d. paid for the most part on a paper money basis. The rate of exchange varied to 40 to 1 and even 80 to 1 toward the latter part of the period, so taking 20 to 1 as a fair average, this represents in specie, £145,537 3s. $4\frac{8}{10}$d. The Committee Report, House of Delegates Proceedings, Nov. 20, 1779, estimated a tax of £27 on £100 necessary to raise $14,220,000.00. This would give a taxable basis for Maryland of about £12,000,000, so for the four years almost 1¼ per cent of the entire resources was devoted to military aid, and about .3 per cent annually. Since certificates given in exchange for supplies are not included, while other expenses of the government were large, altogether Maryland made a very creditable showing in the actual work accomplished.

CHAPTER IV.

FINANCE.

Much of the energy of the new State government was soon absorbed by the question of finance. The efforts to procure recruits and supplies entailed large expenditures. In addition, the requisitions of Congress, and the ordinary expenses of administration required large sums. Adequately to meet these demands, a vigorous financial policy was needed. The most important fiscal measures centered upon the maintenance of a sound currency, and the evolution of an efficient system of taxation.

At the outset the currency situation was alarming. The paper money issued by the Provincial government was covered by tolerably safe holdings, but the emissions of the convention and of the Continental Congress rested upon the rather unsteady basis of the public credit.[1] The legal status of these bills of credit was not exactly determined, but many leading men held that to force this paper money upon the people as lawful currency might even result in a dissolution of the State government.[2] Disregarding such appre-

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	£	s.	d.
[1] The State held in bonds bearing 4% interest.....	164,174	7	8¾
Bank of England stock owned by the State but held in London	36,131	6	6
On hand from ordinary (*i. e.*, inn) licenses... ..	1,980	11	6
Due from ordinary (*i. e.*, inn) licenses.....	1,508	4	9¼
Total	203,794	10	6
The issues of 1766, 1770, and 1774, under the Provincial government secured by the above.....	210,886	6	11½

The convention had issued £401,333 6s. 8d. based merely upon the credit of the State. A large amount of Continental currency also circulated in Maryland. House of Delegates Proceedings, June 17, 1777, and Nov. 24, 1779.

[2] Dan'l of St. Thos. Jenifer to Chas. Carroll and others, Feb. 2, 1777, Folio 87, 232-34.

hensions, the Assembly declared all these issues of paper money legal tender. Only on debts payable to orphans or to the estates of deceased persons was an addition of 25% allowed for depreciation.[3] Charles Carroll of Carrollton pointed out the great injustice this measure imposed upon creditors who were compelled to receive depreciated money.[4] With the exception of an abortive attempt by the Senate to redeem the issue of 1766, no further efforts were taken in 1777 to remedy the difficulties due to the currency.[5]

No measures were adopted in 1778 to redeem on a large scale the paper money. To pay the unusually large journal of accounts, the Assembly at its March session issued redeemable loan certificates bearing interest at six per cent, which were legal tender.[6] The system of paper money offered great inducements to counterfeiters, and this became a favorite Tory device to depreciate the State currency. The Assembly passed laws in 1777 and again in 1778 punishing such a crime with death.[7]

Public sentiment for a sound currency was more definitely awakened in 1778. As the British in New York had extensively counterfeited the Continental issues of May 20, 1777, and April 11, 1778, Congress withdrew these emissions making them redeemable before June 1, 1779, in exchange for loan office certificates. Confirming this resolution, the Assembly arranged that these bills should not be employed in settling public accounts.[8]

The Assembly made a futile attempt in 1779 to retire the bills of credit issued by the Provincial government in 1766. Holders of this issue presenting the notes before June 1, 1780, would receive at their option either bills of

[3] Acts of the Assembly, Cap. IX, Feb. session, 1777.
[4] Protest of Chas. Carroll. Senate Proceedings, Apr. 9, 1777.
[5] House of Delegates Proceedings, Apr. 18, 1777.
[6] Acts of the Assembly, Cap. XIV, Mch. session, 1778.
[7] Acts of the Assembly, Cap. XXIII, Oct. session, 1777, and Cap. XVII, Mch. session, 1778.
[8] Journal of Congress, III, 183-84; Senate Proceedings, Mch. 25, 1779; Council to Treasurer of the Eastern Shore, Feb. 22, 1779, Archives, XXI, 306.

exchange drawn upon the trustees of the Bank of England stock owned by Maryland, or else interest bearing certificates discountable in any assessment.[9]

The continued issue of Continental paper currency producing greater depreciation, the alarming fiscal situation was viewed with much anxiety, and various expedients were suggested for relief. The concensus of public opinion, as expressed in the press, agreed that this money, scarcely circulating at forty to one in exchange for specie, must be reduced, or altogether redeemed. Much sound economic reasoning was displayed in these discussions.[10] The continued operation of a gang of counterfeiters in Maryland during 1779 added to the fiscal burdens of the State.[11]

Various measures were passed in 1778 to put the paper money upon a sound basis. In accordance with a plan devised by Congress, the Assembly provided in June for the redemption of both the Maryland and Continental issues. Bills of credit to the amount of $25,540,000.00, if brought to the Western Shore treasurer, would be exchanged for new issues at the rate of $200.00 to $6.00. A fund to sink annually one-sixth of this new emission was created by an annual assessment for six years of one bushel of wheat, or

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[9] The issue of 1766 amounted to £35,386 6s. 11½d., secured by the Bank of England stock valued at £36,131 6s. 6d., which was held by trustees in London. House of Delegates Proceedings, Dec. 21, 1779; Scharf, History of Maryland, II, 124.

Benjamin Franklin, or else John Jay, was commissioned to name a trustee to go to London, to sell the stock and from the proceeds to discharge these bills of exchange. Acts of the Assembly, Cap. XXXVIII, Oct. session, 1779.

[10] Congress completed Nov. 23, 1779, the authorized issue of $200,000,000.00. Journal of Congress, III, 404. To remedy such conditions, one writer proposed to call in part of this paper money, leaving the rest upon interest until Congress could arrange its redemption. Maryland Gazette, Nov. 26, 1779. Another author, probably influenced by Locke and contemporary economists, claimed that, as there was a larger supply than a demand for paper money, depreciation was the natural result. His main remedies would be the reduction and restriction of existing issues, and the commutation of taxes in provisions for the army. Maryland Gazette, Nov. 12, 1779.

[11] Va. Delegates in Congress to Gov. Johnson, Sept. 26, 1779, Archives, XXI, 537-38.

the equivalent, upon every £100 of property, real and personal. Duties, excise charges, fines, and forfeitures formed part of this sinking fund.[12]

The law making the depreciated currency full legal tender had created such a chaotic state of both public and private finances that in 1780 a rescinding act was passed. Bills of credit were to be used in the payment of debts only upon special agreement. The law repealed all restrictions against discrimination between specie and paper money.[13]

Another attempt was made in 1780 to sell bills of exchange based upon the Bank of England stock owned by the State. If these bills of exchange were not honored, the holders might recover upon the Maryland property of the London trustees.[14] A bill for £1500 was refused, and one of the commissioners appointed to negotiate this matter was quietly notified that the British Government would only allow the sale of this stock upon the order of the original depositors.[15] In anticipation of this refusal, the bills of exchange had not sold readily, and the council ordered the issue of £30,000 in paper currency, as was authorized in such an event.[16]

Although Maryland had followed the plan of Congress, the measures to secure an improved currency had not stopped the depreciation of the paper money. The scarcity of gold and silver increased, and by fall the circulation of the

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[12] Journal of Congress, III, 442-44; Acts of the Assembly, Cap. VIII, June session, 1780.

[13] Acts of the Assembly, Cap. XXVIII, June session, 1780; many instances of the hardships engendered by the legal tender act of 1777 might be noted. In one case two orphans had depended materially for their support upon the interest from £1000. When this £60 was paid in paper currency, as the act provided, at the rate of forty to one, it represented a purchasing power of only 30s. in former specie values, a very insignificant sum. The severe effect of such a law upon the holders of mortgages or other forms of bonds is evident. Maryland Gazette, May 26, 1780.

[14] Acts of the Assembly, Cap. XXIV, June session, 1780.

[15] Benjamin Franklin to Gov. Lee, Aug. 11, 1780, Blue Book No. 2, 43. V. and P. French and Nephew to Gov. Lee, Oct. 11, 1780. Red Book No. 28, 21.

[16] Council to Md. delegates in Congress, July 31, 1780, Council Correspondence, 147.

new guaranteed issues had almost stopped. In October, to relieve the situation, the Assembly fixed March 20, 1781, as a limit for the redemption of paper money. After that date circulation of all bills of credit, except those of the new issues, was practically suspended. Allowance was made for any depreciation in the new currency, and the Assembly ordered a further issue of £5400 to provide small change.[17] The reformed currency based upon a sinking fund did not at first meet with the success that had been anticipated.[18]

Closely allied to the measures for the improvement of the currency was the increase in the salaries of public officers made necessary by the depreciation of the paper money. The Assembly passed a sweeping act for this purpose in 1778.[19] The proposed increase in the allowance to members of the Assembly was differently regarded by the two Houses. Upon the plea that only rich men could serve at the pay allowed, the more popular House of Delegates asked the Senate to permit an increase from 25s. to 40s. per diem. The more conservative Senate refused to take such action, expressing approval if the possession of an independent fortune should be made a necessary qualification for the members of the Assembly.[20] The continued depreciation of the paper money made necessary in 1779 another increase in the salaries allowed public officials. An echo of the former controversy was heard before the Senate permitted a further increase in the stipend allowed members of the Assembly.[21]

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[17] House of Delegates Proceedings, Nov. 7, 1780; Acts of the Assembly, Caps. V, and XXII, Oct. session, 1780.

[18] Council to Wm. MacBryde, Jan. 18, 1781, Council Correspondence, 108.

[19] Acts of the Assembly, Cap. XVII, Oct. session, 1778.

[20] Senate Proceedings, Dec. 13, 14, and 15, 1778.

[21] Chas. Carroll of Carrollton protested against raising the per diem to £3. He claimed; 1st, that members of the assembly should not set the precedent of raising their own pay; 2d, that such a course showed a disposition to break away from the evils of depreciation of the currency; and 3d, that such action exhibited a tendency to let private interests outweigh those of the public. House of Delegates Proceedings, Dec. 24, 1779; Senate Proceedings, Mch. 19 and Aug. 11, 1779.

The great fluctuations in the value of paper money were avoided in 1780 by fixing the salaries of officials in wheat or tobacco, but to aid the circulation of the new issue of bills, the July session of the Assembly directed that the per diem allowance to members should be paid in this currency.[22]

While seconding the efforts of Congress to improve the condition of the currency, the State was not always so ready to comply fully with requisitions for money.

Taxation demanded the immediate attention of the Assembly, and the first act passed in 1777 provided for the levy of taxes for local purposes as under former laws.[23] For State and Continental needs, the Assembly imposed a tax of 10s. on £100 of property, both real and personal, due by September 10, 1777. Five tax commissioners appointed in every county nominated an assessor for each hundred. The sheriffs were charged with collection. The specie value formed the basis of assessment, but the tax was payable in the depreciated currency. Since the latter had sunk to one fortieth its value in gold or silver, this assessment was actually 3d. in £100, a very moderate rate. The clause that the sworn statement of the owner might be made the basis of valuation caused so much complaint that maximum and minimum assessed values were established for all species of property.[24]

The licenses formerly imposed on the keepers of inns, commonly termed ordinaries, and on marriage permits were continued. The Assembly in 1777 expressly forbade for two years the levy of any duties except on negroes. This last

[22] Proceedings of the House of Delegates, May 8 and 15, and July 4, 1780.

[23] Acts of the Assembly, Cap. I, Feb. session, 1777.

[24] The assessment was really an income tax of 2s. on £1 annual value, which was commuted to 10s. on £100 of property. Salaried positions and professional incomes were taxed 5s. on £100 of clear annual profit. Debtors might discount 10s. from every £6 of interest paid. To offset this, mortgages and other forms of promissory notes were not taxed. These provisions of the assessment act are typical; the maximum assessment for land was £4 per acre, the minimum, 7s. 6d. per acre. Acts of the Assembly, Caps. XXI, and XXII, Feb. session, 1777, and Cap. XIV, Oct. session, 1777.

measure was not adopted in accordance with a recommendation of Congress, but upon the State's own initiative. It was, therefore, an exercise of one of the rights of sovereignty.[25]

The difficulty of collection induced the Assembly to postpone until November 20, 1777, the limit for collecting the 10s. assessment.[26] The unsatisfactory returns were not sufficient to prevent a material decrease in the balance reported in the Spring of 1777 by the State Treasurers.[27] With such a contracting balance, the incessant demands for advances to supply the army were met with much difficulty. By issuing warrants whenever possible, Congress tried to relieve the pressure upon the State.[28] So gloomy was the financial prospect, despite this aid, that at the end of the December session, 1777, the Senate refused to pass the usual journal of accounts.[29]

To remedy the depleted condition of the State Treasury, the tax rate for 1778 was increased to 25s. on £100 of real and personal property payable by December 20, 1778. The Council was directed to apply the proceeds so far as possible to Continental needs. For more pressing necessities, the Assembly ordered an issue of $300,000.00 in paper money.[30]

The small returns from the assessments for 1777 and 1778 were not sufficient to relieve stringent financial pressure upon the State. Early in 1778, the Eastern Shore treasurer returned dishonored an order for £3200 9s. 2d.[31] Large remittances from Congress offered material aid in obtaining

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[25] Acts of the Assembly, Cap. XVIII, Feb. session, 1777.

[26] Acts of the Assembly, Cap. XIV, June session, 1777.

[27] Apr. 5, 1777, the balance was £64,838 10s. 8d.; Dec. 9, £19,692 11s. 10½d. House of Delegates Proceedings, Apr. 18, and Dec. 22, 1777.

[28] The Western Shore Treasurer was directed even to use £4066 18s. 12d., which had been appropriated for a college, replacing it when able. House of Delegates Proceedings, Dec. 22, 1777. Congress advanced Maryland for supplies $262,600.00 during 1777. Journal of Congress, II, 9, 52, 106, 231, 240, 263 and 383.

[29] House of Delegates Proceedings, Dec. 23, 1777.

[30] This tax was really a commuted one of 5s. on £1 annual value. Acts of the Assembly, Cap. VII, Mch. session, 1778.

[31] Journal of the Council, Jan. 14, 1778, Archives, XVI, 466.

supplies, but so great was the immediate need that March 31, 1778, the Assembly temporarily appropriated $30,000.00 of this Continental money.[83] The council was obliged to ask Washington to advance the bounty money due recruits enlisted in camp, though later in the year the financial system became somewhat improved.[84]

The reorganization of the State Auditing Department in 1778 was intended to aid the efficient collection of taxes. In place of the board of auditors with salaries insufficient to justify thorough work, an auditor-general was appointed who should receive ample compensation and have a capable clerical force.[85] Yet the continued trouble in collecting taxes justified the refusal of the Assembly to increase for 1779 the 25s. assessment rate.[86]

The extraordinary demands upon the resources of the State soon overcame the reluctance of the Assembly to impose a higher tax. Early in January, 1779, Congress asked Maryland for $1,560,000.00 before January 1, 1780 to help to retire Continental bills of credit and loans issued before 1778. To meet this obligation the Assembly imposed an additional assessment of 40s. on £100 making the total rate for 1779 65s.[87] Another requisition from Congress May 21, 1779, called for $4,680,000.00 to be paid by January 1, 1780.[87] A further tax of £9 15s. made necessary

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[83] House of Delegates Proceedings, Mch. 31, 1778. Congress advanced Maryland in 1778 $213,400.00. Journal of Congress, II, 419, 467, 488, 514, 531, and 567.

[84] Council to Washington, Aug. 12, 1778, Archives, XXI, 184. The following counties paid the sums indicated on the assessment for 1778: Prince George, £7681 14s. 3d.; St. Mary's £4646 17s.; Charles, £4713 12s. 2¾d.; Calvert, £1573 3s. 5½d.; Frederick, £6157 3s. 6¼d.; Harford, £2336 7s. 5d., and Anne Arundel, £7151 10s. 11½d.; total, £34,260 8s. 10d. Doubtless this report represents only a part of the total from all the counties, but it is interesting as showing that *at least* this amount was collected. Maryland Account Book, 76-77, Nov. 21, 1778.

[85] House of Delegates Proceedings, Mch. 27 and 31, 1778.

[86] House of Delegates Proceedings, Dec. 15, 1778.

[87] Journal of Congress, III, 174; the new assessment was estimated upon a basis of 8s. on £1 annual value, or a total of 13s. on £1 annual value. Act of the Assembly, Cap. XI, Mch. session, 1779.

[87] This was Maryland's share of a $45,000,000.00 requisition. Journal of Congress, III, 284.

by this new assessment increased the total levy for 1779 to £13 on £100. Such a tax would seem ruinous, but the great depreciation of the paper money in which it was paid, and the method of assessing upon a specie basis made this levy really a moderate one.[38]

The difficulty in collection continued, though in a less degree. The returns of collectors in the fall showed large balances still due for 1777 and 1778, but for 1779 there was a marked advance.[39] The reforms in the Auditing Department afforded material aid in obtaining quicker returns, as all collectors were required, under penalty, to hand in public accounts within a specified time.[40]

The continued distress of the Continental treasury induced Congress, October 6, 1779, to ask from Maryland a further assessment of $14,220,000 payable in nine monthly instalments, February 1 to October 1, 1780.[41] The committee appointed to consider means of raising this sum proposed that, as the State debt was already large, only $9,000,000 should be obtained by taxation. The remaining $5,220,000 was to be obtained by the confiscation of all British property within the State. As additional fiscal expedients, the committee recommended an increase in the license taxes, and the imposition of a poll tax of £7 10s. upon every free male citizen.[42] Beyond levying a tax of £5 on £100 for 1780, the

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[38] On property amounting to £100 specie value, which would be £4000 in paper money at the prevalent scale of depreciation, the £13 assessment would be only 6½s. in specie, less than ⅓%. Acts of the Assembly, Cap. V, July session, 1779.

[39] The collectors of ten counties reported a balance still due for 1777 of £23,022 16s. 10¾d. There was no report for 1777 from the other eight counties. On the assessment for 1778 eleven counties reported a balance due of £125,780 1s. 4¼d. The assessments for 1779 were not fully due at the time of the report, but the Treasurers noted a marked improvement in collection. House of Delegates Proceedings, Nov. 25, 1779.

[40] Maryland Gazette, May 21, 1779.

[41] This was the State's quota of a total of $135,000,000. Journal of Congress, III, 373.

[42] The committee estimated that, to raise the whole by assessment would require a rate of £27 on the £100, which, with the expense of collection, would be too great a burden. As this would have meant a tax rate of not quite 1% owing to the peculiar method of assess-

Assembly took no decided action in 1779 for the payment of this Continental requisition.[43]

The pressing Continental requisitions, added to the immediate obligations of the State, emphasized the need of an additional assessment for 1780. For only part of the provisions purchased by Maryland had payment been made, while certificates which had been given for supplies were payable in March. The Assembly met these fiscal demands by the imposition for 1780 of additional taxes of £20 in currency, and 28 lbs. in tobacco on £100 of property, both real and personal.[44]

Trouble in collecting these taxes continued throughout 1780. Apparently the threat that the commissioners would enforce the law against tardy collectors had at first little effect. In order to hasten payment of the taxes the Assembly changed somewhat the system of collection. Officials appointed in each hundred did the work of collection which the sheriff had formerly performed for the entire county. The payment of taxes was allowed to be postponed for a while.[45] These measures were not altogether successful. In many counties the tardy transmission of the laws was a great hindrance. Although numerous petitions for delay were rejected by the Assembly, the limit imposed in the collection of taxes for 1780 was in many instances postponed until June 1, 1781.[46] By the October session of the Assembly, the collectors appointed on the Eastern Shore had made

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ment, and payment of taxes, this argument was hardly justifiable. The committee estimated the State debt at £915,822 6s. 9d., including issues of paper money. An increase was recommended, on marriage licenses of £13, on ordinary licenses of £50. House of Delegates Proceedings, Nov. 24, 1779. As the requisitions of Congress were based upon paper money values, they were really not so enormous.

[43] Acts of the Assembly, Cap. XXXV, Oct. session, 1779.

[44] This tax was of course based upon the usual system of assessment. £10 was payable by June 10, £10 by Dec. 10, 1780, the tobacco tax by Sept. 1, 1780. Acts of the Assembly, Cap. XXV, Mch. session, 1780.

[45] Maryland Gazette, May 19, 1780. The £5 assessment and the £10 due June 10 were made payable Aug. 1, 1780. Acts of the Assembly, Cap. XIII, June session, 1780.

[46] House of Delegates Proceedings, Apr. 1-17, 1780.

no report. Many of the Western Shore counties also failed to make returns, and in only a few had any tax been paid in full. Yet the advance upon former years was very marked."[47]

The tardy returns from Maryland induced the Continental officials, in at least two cases, to employ rather arbitrary means to secure the required quota. In order to help to equip the army for the field, May 19, 1780, Congress asked that $1,234,500.00 of the sum already required from Maryland be paid within thirty days.[48] Efforts were made to meet promptly this obligation, but when Congress ordered warrants drawn for the sum, the council immediately protested, declaring that it would be impossible to pay them.[49] A somewhat similar incident was occasioned by the precipitate action of General Gates, who, in the exigencies of his hard-pressed campaign, on September 5, 1780, drew warrants upon Maryland for large sums. As authority for this assumption of power, he cited a resolution of Congress diverting all money raised in Maryland to supply the Southern army. The council, indignant at such unwarranted action, refused at once to honor these drafts.[50] Both incidents are significant. Maryland had willingly taken measures to aid

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[47] In Somerset and Worcester counties the laws had not been received in time to make efficient collections. On the Western Shore: Prince George county made no report; three counties reported the £5 tax paid in full, four made no report on this tax, and Charles county showed a balance still due of £35,822 14s. 8d. On the £10 tax due Aug. 1, 1780, five counties failed to report; one county had paid in full; Montgomery county still owed £15,363 1s. 8d. St. Mary's county reported a balance due of £16,134 3s. 5¾d. on the £5 and £10 assessments. Four counties had paid on sundry taxes for 1780 £476,013 18s. 1d. and on the tobacco tax 803,603¼ lbs. House of Delegates Proceedings, Nov. 22, 1780. Eight Western Shore counties reported on Sept. 28, 1780, £1,287,101 15s. 10½d. had been raised for the 1779 assessment. Presumably this report included 1779 as well as 1780. It is interesting to note that at least such a large amount was obtained. Unfortunately complete records of tax proceeds are not available. Maryland Account Book, 217.

[48] Journal of Congress, III, 457.

[49] Council to the President of Congress, July 24, 1780, Council Correspondence, 133-34.

[50] One draft was for $350,000.00, the other for £100,000, Gen. Gates to Gov. Lee, Sept. 5, 1780, Brown Book No. 8, 26; Council to Gen. Gates, Oct. 5, 1780, Council Correspondence, 193.

the Continental treasury, but the least attempt at coercion was quickly resented.

For the year 1781 a large budget was reported. The balance on hand in the fall of 1780 consisted largely of tobacco which often afforded a more efficient medium of exchange than the depreciated paper currency.[81] The Assembly returned to an exclusively specie system of taxation by the levy of an assessment for 1781 of 30s. on £100 of property, to be paid in Spanish dollars. Additional taxes for county expenses were authorized whenever necessary. Precautionary measures guarded against a too high valuation of gold or silver in the assessment for 1781, and made allowance for any depreciation in the new guaranteed issue of paper currency.[82] Another measure of fiscal importance made licenses for ordinaries payable strictly on a specie basis. Licenses were required of auctioneers as well.[83]

The inconvenience caused by tardy collectors increased so greatly that early in 1781 drastic measures were adopted, the council directing the attorney general to bring suit against a number of these delinquent officials and their securities.[84] Closely connected with the scheme of taxation was the proposition to confiscate the property of all British subjects. As early as 1777 the Assembly rejected a motion to seize the property of all who did not take the oath of allegiance.[85] This measure was renewed at the fall session of the Assembly in 1779, in a somewhat milder form, when the

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[81] The budget for 1781 was estimated as £221,506 6s. 8d. in real money. The balance on hand Nov. 30, 1780, was £7617 9s. 7½d., approximately £190 8s. 9d. at the prevalent rate of depreciation of 40 to 1. The Western Shore treasurer also had on hand 736 hogsheads, containing 692,129 lbs. of tobacco. House of Delegates Proceedings, Dec. 18, 1780, and Jan. 3, 1781.

[82] Justices of the peace were empowered to levy not over £200 for county expenses. Acts of the Assembly, Caps. XXV, and XLVIII, Oct. session, 1780.

[83] Acts of the Assembly, Cap. XXIV, Mch. session, and Cap. XXX, Oct. session, 1780.

[84] Council to Luther Martin, Attorney-General, Feb. 26, 1781, Council Correspondence, 205.

[85] Senate Proceedings, Dec. 9, 1777.

appropriation of all property in the State belonging to British citizens was suggested as part of the financial scheme to obtain the quota asked by Congress. The delegates attempted by quoting such authorities as Rutherford to prove that this confiscation was justified by the rules of international warfare. The Senate estimated that even the tax of £27 on £100 of property, which the delegates considered necessary unless this measure passed, would not require a levy of over 1% under the system of assessment then prevalent. If more money were needed than the State could supply, the Senate proposed the sale of the back lands, which, as the property of the British Crown, became rightfully a common possession. Above all, objection was made to the assumption of legal power by the Assembly in defining the term, British citizen. The Senate refused to discuss the bill further so late in the session, and the matter was temporarily dropped.[86] In a published address the Lower House called upon the voters of the State for their support in the proposed confiscation, ascribing to the Senate the failure to comply with the needs of Congress.[87]

In the interim before the spring session of the Assembly for 1780 the question of confiscating British property was much discussed, especially in the press. The arguments of the Senate in opposition to the measure were reiterated with much force. Several anonymous writers, by astute reasoning, tried to show that British subjects could not be aliens if they were born before the separation of the colonies from the mother country. One opponent of the measure maintained that the prevalent rate of assessment was not so

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[86] Senate, and House of Delegates Proceedings, Dec. 21-30, 1779.

[87] House of Delegates Proceedings, Dec. 30, 1779. Charles Carroll of Carrollton represented strongly the opposition to confiscation. Uncertain whether the measure would pass, he wrote: "It shall not with my vote, because I think the measure impolitic, contrary to the present practice of civilized nations, and because it may involve us in difficulties about making peace, and will be productive of a certain loss, but of uncertain profit to this State."—Chas. Carroll to Dr. Franklin, Dec. 5, 1779. Life of Chas. Carroll, II, 26-31.

inordinately high, and that armed violence might result from the execution of a law that would be a poor return for the many proofs of friendship exhibited by friends of the colonies in England. Although so much opposition was displayed, a strong public sentiment favored confiscation of British property, and several counties sent resolutions to the Assembly favoring the passage of such a bill. The necessity for money was held to be paramount to all other considerations. These advocates of confiscation argued that, as Great Britain had broken faith with the colonies, she should bear the expenses of the war. The controversy was carried on with ardor in the early months of 1780.[58]

The opening of the Assembly witnessed a renewal of the contest between the two Houses. The delegates moved the immediate passage of the confiscation bill, but again the Senate proved obdurate. Ranging himself among its chief opponents, Charles Carroll of Carrollton opposed the act as impolitic, and above all, as contrary to the bill of rights, unless British subjects had actually borne arms against the United States. The Senate afforded a proof of hostility by refusing to consider the petition of its President, Robert Goldsborough, who, as the former agent of the Proprietor, and the owner of much property in Great Britain, asked to be excused from voting.

The delegates very promptly rejected a compromise bill proposed by the Senate. The act made reasonable conditions for the confiscation of the property of those who had withdrawn from the State before August 14, 1775, and did not return before May 1, 1781. After this unfavorable vote, the Senate transmitted a long message which simply reiterated previous arguments. The Assembly adjourned without definite action, each House referring the matter to its consti-

[58] For the principal articles in this controversy, see the files of the Maryland Gazette, Feb. 18 to Apr. 14, 1780; also those of the Maryland Journal for the same date. The latter paper inclines to rather a Tory view.

tuents.[79] These long wranglings between the Senate and the delegates were much deplored by the public.[80]

The appeal of the House of Delegates to its constituents must have been effective. The London trustees' refusal to honor the bills of exchange based on the Bank of England stock probably influenced the final confiscation of British property, while the charges of Toryism preferred by Samuel Chase against several of its members doubtless made the Senate more solicitious to avoid the appearance of holding such sentiments.[81] Whatever the dominant influence, the Senate at the fall session in 1780 withdrew all opposition to the passage of the bill for confiscation. This important act held that all persons residing in British dominions, who were born under the rule of Great Britain, were British citizens. All property held by such owners was confiscated. Exceptions were made in favor of those who had left the State after April 30, 1775, and also of those born in Maryland who had gone before that date, and had committed no overt act of hostility, provided they returned and took the oath of allegiance before March 1, 1782. As the trustees of the Bank of England stock had not honored the bills of exchange drawn upon them, a certain part of their property in the State was set aside as a fund to sink the subsequent issue of £30,000. The Assembly would fix later indemnification from the confiscated property for sufferers from British depredations, but any attempts to protect by assignment property subject to seizure were to be promptly frustrated.[82] The reports of special commissioners showed that a very large amount of property was effected by the confiscation act.[83]

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[79] House of Delegates, and Senate Proceedings, Apr. 12 to May 16, 1780.

[80] Maryland Gazette, June 9, and Oct. 27, 1780.

[81] For a full account of these charges, see the chapter entitled Internal Disturbances.

[82] Acts of the Assembly, Cap. XLV, October session, 1780.

[83] In Frederick county alone the property of British subjects amounted to 2079 acres, that of absentees to at least 8214 acres. In

Taxation and the allied measures for confiscation of British property were not the only expedients adopted to meet the needs of the Continental treasury. Congress asked for $520,000 on November 21, 1777, to be paid during 1778 in quarterly instalments.[64] Unable to comply with this request at once, the Assembly established offices to receive for Congress loans of not less than $200 at 6%. Already, a loan office had been opened at Annapolis under the direct auspices of the Continental treasury.[65] Large sums were obtained in this way during 1778 for the Continental cause.[66] A resolution of Congress, February 3, 1779, to borrow $20,000,000 at interest was enforced by an act of the Assembly authorizing the appointment of agents in each county to receive subscriptions to this loan.[67] The closing of the State loan office facilitated this work.[68]

Measures to procure loans for the Continental treasury were renewed in 1780. The June session of the Assembly confirmed the appointment of a loan agent in each county, which the governor and council had already made on their own initiative. As an example of support, the members of both Houses subscribed.[69] The large amount obtained on

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Prince George county for 1778 property owned by British subjects was assessed £24,629 14s. on a specie basis. Harford county contained 3484¼ acres of British property; in Kent county there were 3882 acres. Blue Book No. 5, 56, 58, 63 and 65. Doubtless there was much British property in other counties whose record has not been preserved, nor do these estimates include the property of the Lord Proprietary.

[64] This was Maryland's share of a requisition for $5,000,000. Journal of Congress, II, 346.

[65] Maryland Gazette, Feb. 13 and Mch. 13, 1777; House of Delegates Proceedings, Dec. 13, 1777.

[66] On the Eastern Shore £4512 10s. was collected by this means, Treasurer of the Eastern Shore to Gov. Johnson, Aug. 24, 1778. Brown Book No. 9.

[67] Journal of Congress, III, 195 and 506; Acts of the Assembly, Cap. XX, July session, 1779.

[68] House of Delegates Proceedings, Dec. 24, 1779.

[69] By Nov. 18 these loans amounted to 188 hhds. of tobacco, £159,185 7s. in bills of credit, and £20 in specie, all paid in. The Assembly had subscribed 120 hhds. of tobacco, and £23,137 10s. in bills of credit. House of Delegates Proceedings, Nov. 18, 1780; Council to Agents, May 26 and Aug. 21, 1780, Council Correspondence, 107-8, and 159; Scharf's Chronicles of Baltimore, 187-88.

this loan showed that the people of the State were both willing and ready to help. An act passed by the fall session greatly aided this work by offering premiums for prompt collections, especially of gold and silver, while the certificates given in exchange were secured by liens upon certain confiscated British lands."

A further measure provided for the establishment of a State bank at Annapolis to procure loans for the purchase of provisions, but this proposal does not appear to have been favorably received."

The financial policy of the period from 1777 to 1781, shows evident desire to help Congress. Yet the least signs of subserviency were avoided. In refusing in 1780 to honor the drafts of Congress and of General Gates, the governor and council, following the attitude of the Assembly, resented Continental action which might have been interpreted as coercion. The arbitrary prohibition, and the subsequent imposition of duties continued such a policy.

The financial measures which were adopted evidence a gradual growth in the comprehension of fiscal needs. The depreciated paper currency had gradually been placed upon a firm basis. In the system of taxation the State government by degrees adopted more efficient means of collection. The successful enforcement of the greatly increased levies for 1780 amply demonstrated the value of these measures."

" Acts of the Assembly, Cap. LI, Oct. session, 1780.

" Acts of the Assembly, Cap. XXVIII, June session, 1780.

" An exact fiscal account of each of the four years cannot be given, but approximate returns are accessible for the latter two years. The discrepancies in these printed statements can only be remedied by reference to the treasurers' books, which are not available.

RECEIPTS.

	Balance on Hand.	From Assessments.
Nov. 21, 1778, to Nov. 18, 1779—		
(Nov. 21, 1778)	£109,743 1s. 8¾d.	£253,160 8s. 4d.
Nov. 18, 1779 to Nov. 19, 1780—		
(Nov. 18, 1779)	£27,077 15s. 7¾d.	£2,623,727 12s. 1¾d.

Closely connected with the increasing severity toward the Tories was the confiscation, during the same year, of all British property within the State.

	Receipts.			Expenditures.
	From Congress.	From Loans.	From Licenses.	
Nov. 21, 1778, to Nov. 18, 1779—	£346,847 7s. 6d.	£194,823 7s. 6d.	£2,247 10s.	
Nov. 18, 1779, to Nov. 19, 1780—		£368,881 .. 4d.	£1,776 5s.	
	Receipts.			**Expenditures.**
	From Sundries.	**Total.**		
Nov. 21, 1778 to Nov. 18, 1779—	£58,698 8s. 6d.	£965,520 3s. 6¾d.		£934,169 2s. 10½d.
Nov. 18, 1779, to Nov. 19, 1780—	£196,919 11s. 1¾d.	£3,218,382 4s. 3¼d.		£3,044,065 14s. 1¾d.

About £700,000 was expended in military aid in 1779, and about £800,000 in 1780. The other expenses were chiefly those of collection and of ordinary administration beside the State navy. The large increase of expenditures for 1780 is probably due to the redemption of the bills of credit, which must have absorbed a large amount. These sums are all expressed in the depreciated currency which, in 1780, sunk as low as 80 to 1 in exchange for specie. Cf. chapter on Military Aid; House of Delegates Proceedings, Aug. 4, and Nov. 26, 1779, Apr. 10, 1780, and Jan. 31, 1781.

CHAPTER V.

Commerce.

Although somewhat overshadowed by military and financial requirements, the commercial interests of the State were not neglected. Otherwise it would hardly have been possible to afford as great aid to Congress. Among other things the Assembly soon considered the adjustment of trade relations with the other States. Upon the suggestion of Congress commissioners were appointed March 18, 1777, to meet delegates from the Middle States at York, Pennsylvania, in order to consider uniform prices for labor, and to formulate united regulations on imported goods. This meeting failed to accomplish any definite adjustment of the chaotic commercial relations.[1] In December, 1777, the Assembly made another equally fruitless appointment of commissioners for a similar convention of representatives from Maryland, Virginia, and North Carolina.[2]

More important than these two ineffectual attempts for a closer union was the appointment December 29, 1777, of three commissioners to confer with those from Virginia upon the disputed rights of navigation on Chesapeake Bay, and the Potomac and Pocomoke Rivers.[3] Although the commercial interests of both States demanded a definite

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[1] House of Delegates Proceedings, Mch. 18, 1777; Council to Christopher Lowndes, Apr. 14, 1777, Archives, XVI, 211.

[2] House of Delegates Proceedings, Dec. 16, 1777.

[3] The instructions to these commissioners were: 1st, to insist that Virginia levy no tolls upon vessels passing through the Capes on their way to Maryland. Unless this condition was granted, the meeting must discontinue; 2d, that crimes and piracies committed upon the water must be tried in the State of which the victim was a citizen. House of Delegates Proceedings, Dec. 22, 1777.

understanding in regard to these common waterways, this convention did not materialize.[4]

The high prices of labor and provisions in 1779 made some regulations desirable, but after considering the proceedings of the Hartford Convention held by the New England States and New York, a special committee reported such action inadvisable, unless adopted by all the States. The impossibility of securing such action rendered futile another appointment of commissioners to a convention composed of delegates from the New England and Middle States.[5]

The readiness with which Maryland entered into these conventions showed a strong wish for harmony with the other States, but was a virtual denial of the power of Congress to establish trade relations. The prohibition of duties in 1777, followed by the later reestablishment of such charges without reference to Congress, was clearly an exercise of sovereign power.[6] The proposition to regulate the difficulties with Virginia by a convention rather than through the medium of Congress must be ascribed to the same motives.

This independent attitude was maintained in promoting foreign intercourse, especially with France. Of greatest importance for stimulating trade relations was the appointment, October 27, 1778, of M. d'Anmours as French consul for Maryland. Residing at Baltimore, this official paid special attention to commercial interests.[7] The State executive evinced an earnest disposition to settle amicably all

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[4] After waiting at Alexandria three days beyond the appointed time, the Maryland commissioners were informed that an unexpected delay in the business of the Virginia Assembly had postponed the meeting. Disheartened by such dilatory conduct, the commissioners made no further attempt to meet the representatives of Virginia. House of Delegates Proceedings, Apr. 1, 1778.

[5] House of Delegates Proceedings, Dec. 2, 1779; Chas. Carroll of Carrollton to Benjamin Franklin, Dec. 5, 1779, Life of Chas. Carroll, II, 26-31; Maryland Gazette, Jan. 7, 1780.

[6] Cf. chapter on Finance.

[7] Journal of Congress, III, 102; Senate Proceedings, Dec. 2, 1778.

disputes between citizens of France and those of Maryland, even at the expense of the latter.[8] A naturalization act gave foreigners all the privileges of native born citizens after they had taken the oath of allegiance. They were relieved of all taxation for two years, and for four years if they were tradesmen, artificers, or manufacturers.[9] The confirmation by the Assembly of the treaty between France and the United States emphasized the independent position of Maryland.[10]

A later act gave French subjects the same rights as were enjoyed by native born citizens, voting and holding office alone being excepted. They might devise property in Maryland to residents of France provided it was claimed within ten years.[11] A desire was also manifested to encourage the large German settlement in Western Maryland.[12]

Internal commercial development was not overlooked. Committees were appointed by the Assembly to receive petitions and proposals for establishing factories, and to devise means of promoting trade.[13] The State government itself proposed to embark in the manufacture of saltpetre,

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[8] Two French captains reporting that one of the State galleys had fired upon their vessels, killing one man, an investigation showed that the trouble arose from the failure of the French vessels to accord the proper salute. The council made ample apology, declaring that since the galley had been fitted out by the Baltimore merchants it was a private vessel, not entitled to a salute. Everything possible would be done to bring the commander to account.

Upon complaint that French sailors frequently deserted at Baltimore to go to Philadelphia, the council directed the ferry-keepers at the Susquehanna to allow them to pass only when they showed passports corresponding to those sent by the French consul. Council to Chevalier d'Anmours, June 10, 1779, Archives, XXI, 448-50.

[9] Acts of the Assembly, Cap. VI, June session, 1779.

[10] Senate Proceedings, Dec. 15, 1778.

[11] Acts of the Assembly, Cap. VIII, Mch. session, 1780.

[12] The Assembly ordered the most important acts translated into German for the use of the courts in Frederick and Washington counties. Senate Proceedings, Mch. 25, and Aug. 15, 1779. These Germans, who were among the most prosperous and patriotic citizens of the State, afforded much aid to the Revolution. Cf. Steiner, Western Maryland in the Revolution.

[13] Proceedings of the House of Delegates, Feb. 7 and Nov. 1, 1777.

and several factories were founded, chiefly by State aid, for manufacturing different commodities.[14]

As tobacco formed the principal crop of Maryland, the Provincial government had already adopted regulations for its inspection. The justices of each county were, in 1778, authorized to appoint the inspectors, but not until more liberal fees were allowed did the Assembly overcome the difficulty in obtaining competent men.[15] There was a thorough revision in 1780 of the laws for the inspection of tobacco. Full allowance was made for the salaries of the inspectors, who were required to pass upon every hogshead of tobacco exported from Maryland. Notes given by these inspectors for tobacco stored in State warehouses passed as legal tender.[16]

The State government attempted to remedy the great scarcity of salt by giving liberal bounties for its production, while many salt works were established with the aid of advances from the State treasury.[17] The interest manifested by private citizens in salt works, as well as the embargo acts

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[14] An agent was sent to the south branch of the Potomac to contract for saltpetre and to purchase for the State land containing materials suitable for its manufacture. House of Delegates Proceedings, Dec. 18, 1780.

Jno. McFadden was granted £500 to be repaid in three equal instalments of merchantable linen manufactured in the State. House of Delegates Proceedings, Apr. 8, 1777. This is a typical example. The aid given in manufacturing firearms has already been noticed in the chapter on Military Aid.

[15] Inspectors were allowed 7s. 6d. for each hogshead of tobacco inspected. Acts of the Assembly, Cap. XI, Oct. session, also Cap. VI, June session, 1778.

[16] Warehouses were to be built at certain specified places. A monthly charge of 2 lbs. per hogshead was exacted where tobacco remained in these State warehouses over 12 months. Acts of the Assembly, Cap. XIV, June session, 1780.

[17] £2000 was set aside to found salt works. A bounty of £5 was allowed on every 50 bus. of salt made before Feb. 1, 1778, £10 for 100 bus. A certificate that 1000 bus. had been produced received a bounty of £100. Acts of the Assembly, Cap. XI, June session, 1777. Usually not over one bushel of this "bounty" salt was allowed one family. Journal of the Council, May 1, June 11, etc., 1777, Archives, XVI, 235 ff.

and the laws against speculation helped to obtain a full supply.[18]

The efforts of Congress to obtain salt led to an incident in which an entirely independent attitude was assumed. A resolution passed on January 12, 1778, requested the immediate seizure of the sloop Penn Farmer, lying at Baltimore, and the confiscation of her cargo of salt on the pretext that the owner was a British sympathizer. Having found the charge unsustained, Governor Johnson refused to carry out this impolitic measure, fearing the effect upon the importations of salt which were freely coming in, but offered to sell Congress any quantity at a reasonable price.[19]

The council tried to obtain salt, medicine and other supplies for the army by direct importation. The master of a vessel sent to Havana in the summer of 1777 was ordered to sell the cargo of tobacco and to bring back salt and medicines. This venture, it was hoped, would prove the beginning of a profitable trade between the Spanish colonies and the United States. Probably this vessel was lost or taken by the British, as no results of the voyage are recorded.[20]

The danger from British privateers was at least partially avoided in 1778, when Samuel Hughes was commissioned to go to New Orleans by way of the Ohio and Mississippi Rivers to obtain clothing and medicine for the troops.[21] As a forecast of the Chesapeake and Ohio Canal route to the west, this journey is most important. Since no further notice has been found either of this New Orleans expedition

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[18] Numerous directions for making salt were printed. Maryland Gazette, Oct. 30, Nov. 13 and 20, 1777. Wm. Whetcroft of Elk Ridge even offered to furnish the necessary utensils free of charge. Maryland Gazette, Dec. 18, 1777.

[19] Journal of Congress, II, 402-3; Governor Johnson to the President of Congress, Jan. 19, 1778, Archives, XVI, 469-70.

[20] Council to the Governor of Havana, Aug. 8, 1777, Archives, XVI, 328-29; Maryland Journal, Nov. 25, 1777.

[21] Remittance for these supplies by flour sent to Havana was proposed. Council to Sam'l Hughes, and to the Governor of New Orleans, Mch. 23, 1778, Archives, XVI, 548.

or of a proposed loan to be negotiated in Europe in order to obtain supplies, both attempts doubtless failed.[32]

Two vessels were sent to the State agent at Martinique, in 1778, with cargoes of flour and tobacco to be exchanged for at least a good ballast of salt. Hard pressed by creditors on former shipments, the agent sold both vessels upon their arrival. Although both ships needed repairs, the disappointed council indignantly protested against such a sale.[33]

The voyage of the brig Fox to Havana with a load of flour to be exchanged for military supplies proved most satisfactory.[34] Elated by this success, the council sent three more ships in January, 1781. The proceeds from the cargoes of flour were to be invested, if possible, in sugar for Cadiz. In any case, the vessels received orders to bring back military stores.[35] Two of the vessels disappointed all hopes for this voyage by going ashore near the mouth of the Patuxent River, when chased by a British frigate. Only with much difficulty were the cargoes saved from the rapacity of the inhabitants.[36]

Several measures were passed for the benefit of the shipping interests. The Assembly in 1777 divided the State into eight naval districts, four on each shore. The principal duties of the officer appointed in each of these districts were to register vessels, to collect all harbor charges, and to grant

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[32] Council to Joshua Johnson, Apr. 3, 1778, Archives, XXI, 7.

[33] Council to R. Harrison, May 18, 1778, Archives, XXI, 93-94; Capt. Conway to Gov. Johnson, Aug. 6, 1778, Brown Book No. 9. After much correspondence the Assembly confirmed the sale of one of the vessels, Senate Proceedings, Dec. 4, 1778; the other vessel reverted to the State after long negotiations, and was later sold, Maryland Gazette, Apr. 30, 1779.

[34] Council to the Governor of Havana, June 27, 1780, Council Correspondence, 122; Diego de Navarro to Gov. Lee, Oct. 15, 1780, Brown Book No. 7, 50.

[35] Council to R. Harrison, Jan. 4, and to the Governor of Havana, Jan. 5, 1781; Council Correspondence, 79 and 80.

[36] To save the cargoes the militia were given every eighth barrel brought back. In one day's ride over forty barrels were found which had been stolen. Many men of property were included among these pilferers. Sam'l Smith to Gov. Lee, Jan. 25 and 28, and Feb. 8, 1781, Red Book No. 27, 18, 21 and 26.

clearances.[27] The prohibition of all duties except those on negroes was another measure designed to aid commerce.[28] An act passed in 1780 required the registration of all vessels, yet protected the owners from any display of injustice by the naval officers.[29] A very important measure for the commercial interests authorized the appointment of inspectors in order to prevent the exportation from Baltimore of non-merchantable flour, staves, or shingles.[30]

Numerous commissions were issued for privateers. These vessels afforded much assistance in ridding the Bay of small marauding expeditions.[31] Frequently such commissions were taken out in order to protect vessels from the many American privateers which often disregarded regular clearances.[32] The efficient work of these private armed vessels amply justified the encouragement which was shown them.

The naval force maintained by the State proved very effective in the protection of commerce on the Bay, and in the transportation of troops and supplies, but the scarcity of men for the crews greatly hampered this work.[33] The ship Conqueror, in concert with the Continental frigate Virginia, was sent in June, 1777, to clear all hostile armed vessels from the north channel of the Capes, and three galleys were ordered to Tangier Sound in the fall to stop

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[27] Senate Proceedings, Mch. 28, 1777.

[28] House of Delegates Proceedings, Mch. 6, 1777; Acts of the Assembly, Cap. XVIII, Feb. session, 1777.

[29] Every vessel, of which one-third was owned in Maryland, whose keel was over forty feet must be registered. Acts of the Assembly, Cap. XVIII, Oct. session, 1780.

[30] Acts of the Assembly, Cap. XXVI, Oct. session, 1780.

[31] For the many commissions issued cf. Journal of the Council, Archives XVI and XXI. At least 38 commissions were issued in 1779. Cf. also Council Proceedings.

[32] Council to Md. Delegates in Congress, Apr. 10, 1778, Archives, XVI, 27-28.

[33] Council to Benj. Rumsey, June 6, 1777, Archives, XVI, 279. Owing to the scarcity of hands, men were illegally detailed by force on board the State vessels. This practice became so notorious that in at least one instance the council ordered the release of such prisoners. Council Proceedings, June 24, 1777, Archives, XVI, 298.

raids upon the property of loyal citizens.[34] Although these expeditions accomplished much good, the continued scarcity of men, added to the cost of keeping the large State fleet in constant service, induced the Assembly to order the sale of three vessels. Three other State boats were anchored at Baltimore.[35]

British adherents so preyed upon commerce on the Bay that early in 1778 effective work was demanded of the State naval force. After the capture of the State boat Lydia in the Potomac, shipment of provisions by water became unsafe.[36] The difficulty of obtaining men apparently precluded complete pacification by the State galleys, and part of the vessels were offered to Virginia.[37]

Confronted by such a serious condition, the Assembly reorganized the navy, empowering the governor and council to put vessels in commission at their own discretion. The same resolution provided for a commodore in charge of the entire fleet and advanced the wages for the crews. As an inducement to enter this service, bounties were later provided.[38] The reorganized navy did effectual work in clearing the Bay, although British vessels continued from time to time to interfere with commerce.[39]

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[34] Council to Capt. David, June 16, 1777, Archives, XVI, 290; Council to Capt. Cook, Nov. 22, 1777, Archives, XVI 422-23.

[35] Council to Geo. Wells, and Journal of the Council, Dec. 22, 1777, Archives, XVI, 441-44; Journal of the Council, Apr. 16, 1778, Archives, XXI, 36.

[36] Council to Sam'l Smith, Feb. 12, and to Gov. Henry of Va., Feb. 14, 1778, Archives, XVI, 492 and 498-99.

[37] Council to Gov. Henry of Va., Feb. 14, 1778, Archives, XVI, 498-99.

[38] Acts of the Assembly, Cap. X, Oct. session, 1778; House of Delegates Proceedings, Apr. 21, 1778. Thomas Grason was appointed commodore. Council Proceedings, June 8, 1778, Archives, XXI, 125.

[39] The most important capture was that of the British vessel Mermaid, with over 140 in the crew. Henry Hooper to Gov. Johnson, July 15, 1778, Brown Book No. 9; Council to Commodore Grason, July 7 and 16, 1778, Archives, XXI, 162. Outrages continued, and two vessels which ran aground near the mouth of the Patuxent were pillaged by armed men. Deposition of Alex. Gordon, Aug. 3, 1778, Brown Book No. 9.

In the winter of 1778-79 the State government fitted out two galleys to aid Congress in the projected expedition to Eastern Florida.[40] The scarcity of men continued, despite the liberal bounties allowed, while there was little prospect of a successful outcome. Yet there was not the least hesitation in affording this aid. Congress finally decided to abandon the expedition.[41]

Early in 1779 the commercial situation became critical. The State navy proved unable to cope with the British privateers, which seized many armed vessels. Effectually to stop these depredations upon commerce, the merchants of Baltimore agreed to man two vessels on condition the State would provide arms and provisions for a two months' cruise.[42] This offer was accepted, and by the latter part of February two armed galleys accompanied by a tender were sent to the Capes with instructions to coöperate with the Virginia galley which would probably join them.[43] This cruise proved so successful that it was prolonged to three months at the instance of the Baltimore merchants.[44] Other State vessels cleared the Bay of small marauders as well as of larger piratical craft. By the first of June, commerce upon the Chesapeake was comparatively safe.[45] The quickly renewed activity of the enemy made necessary the fitting out of a second expedition to the Capes. This voyage, too, was prolonged at the request of the Baltimore merchants.[46]

In spite of such success the Assembly considered that the great cost of the naval force brought little proportionate return. The sale of all the State vessels, except two galleys

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[40] Council to Md. Delegates in Congress, Dec. 10, 1778, Archives, XXI, 263.

[41] Journal of the Council, Jan. 21, 1779, Archives, XXI, 281.

[42] Samuel and Robert Purviance, and others to Gov. Johnson, Jan. 29, 1779, Red Book No. 22, 60.

[43] Council to Commodore Grason, Mch. 9, 1779, Archives, XXI, 316-17.

[44] Council to Commodore Grason, Apr. 12, 1779, Archives XXI, 343.

[45] Council to Col. Sam'l Smith, June 3, 1779, Archives, XXI, 441.

[46] Council to Commodore Grason, July 9, 1779, Archives, XXI, 469.

and a tender, was accordingly ordered.[47] To render service on this remaining fleet more attractive, the officers received the same rank and pay as those in the Continental service.[48] This measure did not produce the desired results, and to save the large sum necessary to repair the remaining vessels, they were soon sold.[49]

While the few small boats retained in the State navy were incapable of much effective fighting, they were useful for the transportation of troops and provisions. The destruction to shipping by the British cruisers and small vessels infesting the Bay became so great that the council asked for a Continental frigate to be stationed at the Capes, claiming that, if this were not done, there was danger the supplies for the troops could not be secured. When this appeal was sent, over twenty vessels were shut up in the Patuxent, prevented from venturing out by fear of British cruisers. After the great exertions by Maryland with little apparent return, the council felt that Congress should not refuse this aid.[50]

Congress did not heed this request, and the destruction to shipping increased. In sheer self-defense the merchants of Baltimore once more equipped an armed fleet to act in conjunction with vessels sent by Virginia.[51] In November, when the enemy again appeared in some force in the Patuxent, the citizens of Baltimore sent two other armed vessels, the Assembly promising to repay the expense of fitting them out.[52] This force proved inadequate to prevent the capture of several vessels in the Patuxent by British privateers. Exasperated by these inroads upon the commerce of the State, the council even tried to secure two

[47] Senate Proceedings, Mch. 25, 1779.
[48] House of Delegates Proceedings, Aug. 15, 1779.
[49] Acts of the Assembly, Cap. XXVIII, Oct. session, 1779.
[50] Council to Md. Delegates in Congress, July 28, 1780, Council Correspondence, 142-43.
[51] Council to Jno. Sterrett, Sept. 19, 1780, Council Correspondence, 182.
[52] Council to Merchants in Baltimore, Nov. 8, 1780, Council Correspondence, 207; Senate Proceedings, Nov. 17, 1780.

vessels which were loading flour as the nucleus of another fleet.[83]

Convinced at length by these continued attacks of the necessity for defending the Bay with a sufficient force, the Assembly ordered the purchase and manning of four large vessels. The officers in charge had the same rank and pay as if they had been in the Continental service, while liberal bounties were allowed the men.[84] This effective force rendered much easier the task of protecting shipping on the Bay.

The high prices and the general scarcity of grain and other food-stuffs made necessary special measures to secure provisions for the army. The chief means was an embargo upon all such commodities. Laws against speculation, and non-distillation acts were passed for the same purpose.

Even before the Assembly had passed an embargo act, the governor prohibited any exportation from Baltimore or from the Head of the Elk, ordering that all vessels coming down the Patapsco should be searched. The necessities of the times were urged as justification of such a high-handed method.[85] The Assembly confirmed the embargo laid by Congress upon all exportation of provisions from June 10 to November 15, 1778. This act included exports to neighboring States.[86] Congress complained that this law was not effectually carried out, but the council became satisfied upon investigation that infractions had not been numerous, and that the necessary steps had been taken to preclude any further violations.[87] The decisions of the Admiralty Court left no doubt of a firm intention to execute the law.[88]

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[83] Council to Stephen Steward, Dec. 19, 1780, Council Correspondence, 54.

[84] Acts of the Assembly, Cap. XXXIV, Oct. session, 1780.

[85] Council to Capt. Cook, July 2, and to W. Paca, Sept. 1, 1777, Archives, XVI, 304 and 358.

[86] Journal of Congress, II, 581; Acts of the Assembly, Cap. III, June session, 1778.

In order to facilitate the supply of the army, the Assembly continued the embargo after November 10, 1778, although the governor and his council were empowered to allow exportation of food-stuffs upon the requisitions of Congress and of the French minister, or to the New England States. Vessels receiving such permission must be fully armed, for much grain had been captured by the British. The act imposed heavy penalties and was strictly enforced.[59]

The embargo was finally prolonged until September 30, 1780.[60] Speculators bought up such large quantities of wheat and corn in the State, hoping that certainly Delaware and Pennsylvania would remove all restrictions, that the Assembly after the expiration of the embargo prohibited exportation by land except for the use of the United States, or upon the order of the Delaware and Pennsylvania executives. Special agents were designated to receive any such supplies which were removed. The exportation of Indian corn and flour in barrels by sea was permitted. When a sufficient supply for the army had been obtained all embargo restrictions might be removed.[61]

Taking advantage of the unusual demands of the war, speculators attempted to corner the market by buying up

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[57] Journal of Congress, III, 54; Council to the President of Congress, Sept. 17, 1778, Archives, XXI, 205-6.

[58] The sloop Friendship, which had been condemned with her cargo of 140 bbls. for violating the embargo, was only released upon representation that the vessel's load had been purchased by the United States. Cf. Proclamation, Nov. 3, 1778, Brown Book No. 9.

[59] Permission was given to export a small quantity of corn to the Bermudas. The owners of vessels violating this act forfeited treble the vessel's value, one-half to go to the informer. Acts of the Assembly, Cap. III, Oct. session, 1778, and Cap. VII, July session, 1779. Even the captain of a French ship, Le Bonhomme Richard, was obliged to obtain special permission from the Assembly to take 150 bbls. of bread and 100 bbls. of flour to provision the French fleet. Council Proceedings, Mch. 30, 1780. Vessels were allowed to carry sufficient provisions for the voyage, but this privilege was frequently violated. Council to Jeremiah Banning, Dec. 4, 1779, Council Correspondence, 44.

[60] Acts of the Assembly, Cap. XVII, June session, 1780; Council Proceedings, Sept. 9, 1780.

[61] Acts of the Assembly, Caps. XIV and XXXV, Oct. session, 1780.

large quantities of provisions to sell at advanced prices. This practice, which had originated in Pennsylvania, quickly extended to Maryland, and seriously injured purchases for Continental supply.[82] To end such a condition, the June session of the Assembly in 1777 prohibited all speculation in grain and other food-stuffs under penalty of heavy fines, and even imprisonment. The law prescribed the amount of profit to be charged, and required that the original prices of goods should be publicly displayed. The owners of large quantities of supplies already bought up for speculation were obliged to sell at not over 10% profit. Severe penalties were imposed, especially for removing salt from the State.[83] The laws against speculation were continued in 1778 and 1779.[84]

The widespread custom of distilling grain into spirituous liquor greatly increased in 1778 the prevailing scarcity.[85] The Assembly in October, accordingly, prohibited the distillation of grain until July 1, 1779, provided similar measures were passed in Pennsylvania, Delaware, and Virginia. Under these conditions the act was not put in force before March 31, 1779, and was continued until March 20, 1780.[86]

The exceptions made to the embargo laws deserve special attention. Permission was willingly granted for the shipment of provisions to alleviate the distress of the New England States. In response to a resolution passed by Congress on September 2, 1778, that properly accredited vessels should be allowed to load wheat for the needy New England States, the council gave several vessels clearances in the succeeding

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[82] Gov. Johnson to W. Cowper, July 8, 1777, Archives, XVI, 313.

[83] Not over 30% profits could be charged by retailers. On salt or brown sugar a profit of 35% was permitted. No one might retain more salt than was necessary for one year's supply for his family. Acts of the Assembly, Cap. XI, June session, and Cap. XI, Oct. session, 1777.

[84] Acts of the Assembly, Cap. VIII, Oct. session, 1778, and Cap. XVII, July session, 1779.

[85] Committee of Congress to Gov. Johnson, Nov. 11, 1778, Red Book No. 7, 154.

[86] Acts of the Assembly, Cap. XIX, Oct. session, 1778, Cap. I, July session, 1779, and Cap. XXVI, Oct. session, 1779.

months."[67] The Assembly approved this action, provided the prices to be charged were first agreed upon with the commissioners.[68]

Congress asked again in 1779 that permission be given to purchase in Maryland supplies for the New England States, which were in great need. The governor of Massachusetts sent a special letter asking for help.[69] Pursuant to these requests the council readily granted clearances for vessels to load flour for New England ports.[70]

The embargo laws were set aside to ship flour in considerable quantity to Virginia. An agent at Baltimore was appointed by Virginia in 1779 to secure bread and flour, and several vessels received clearance papers.[71] When, during the succeeding winter, the increased distress of the army induced the employment of seizure as a last expedient to obtain supplies, the flour destined for Virginia was not excepted. The council assured the governor of Virginia that only under such pressing circumstances would this action have been taken, and that, after the needs of the army had been met, every effort would be made to relieve the distressed condition of his State. This promise was afterwards fulfilled.[72]

The needy condition of the Bermuda Islands was the cause of another exception to the strict observance of the embargo. Convinced of the great distress in the Islands, and assured that relief supplies would be faithfully dis-

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[67] Journal of Congress, III, 41; Council Proceedings, Sept. 12, etc., 1778, Archives, XXI, 201 ff.

[68] Acts of the Assembly, Cap. III, Oct. session, 1778.

[69] Journal of Congress, III, 214; Senate Proceedings, Mch. 20, 1779.

[70] Council to Thos. Sollers, Mch. 5, 1779; Journal of the Council, Apr. 22, etc., Archives, XXI, 314-15 and 361 ff.

[71] Sam'l Griffin to Gov. Lee, Oct. 5, 1779, Red Book No. 22, 34; Council Proceedings, Nov. 10 and 24, 1779. The council promised 2000 bbls. of flour to Virginia, as much as could well be spared. Council to Col. Sam'l Smith, Oct. 22, 1779, Archives, XXI, 564-65.

[72] Council to Gov. Jefferson of Va., Feb. 23, to naval officers at Baltimore, June 7, and to Sam'l Smith, Dec. 11, 1780, Council Correspondence, 71, 110, and 44.

tributed, May 18, 1779, Congress requested Maryland, Delaware, Virginia, and North Carolina each to permit the exportation of one thousand bushels of corn for the relief of the Bermudians. The council willingly gave the necessary permission, and in 1780 allowed further supplies to be taken to these Islands."

The presence of the French fleet off the Capes and in the Chesapeake Bay entailed a heavy drain upon the resources of Maryland. Even before the arrival of the fleet numerous permits were granted for cargoes of wheat, flour, and other provisions to be taken to the West Indies for its supply." Relying upon a resolution of the Assembly, the French minister instructed his agent at Baltimore to ship six thousand barrels of flour to the fleet in Martinique. In carrying out this order he was to avoid every abuse, and to conform strictly to the governor's wishes." Little wheat was on hand, but the council endeavored to supply the French fleet, offering to lend a State vessel if it could be sufficiently manned. To private persons recommended by the French agent, clearances were promised for cargoes of provisions destined for the fleet. It was suggested that flour might be sent from Kent and Cecil counties to the Delaware for shipment." Acknowledging the notification by the French minister of the arrival of the fleet, the council expressed pleasure that Maryland had been chosen as the station, and declared that every measure had been and would be employed, not only to provision the troops and the fleet, but also to care for the sick and wounded."

" Journal of Congress, III, 278; Council Proceedings, Dec. 7, 1779, Mch. 31, May 19, and June 17, 1780.

" Journal of the Council, July 16, ff, 1779, Archives, XXI, 472, ff; Council Proceedings, Nov. 16, 1779, ff.

" M. Gerard to Gov. Johnson, Aug. 13, 1779, Archives, XXI, 491-92.

" To obtain wheat for the French, salt was exchanged in Harford county at the rate of a bushel of salt for a bushel of wheat. Council to Wm. Smith, Oct. 2, to Robt. Buchanan, Oct. 5, and to Richd. Dallam, Oct. 22, 1779, Archives, XXI, 544, 550 and 564.

" Council to Chevalier de la Luzerne, Dec. 3, 1779, Council Correspondence, 43.

This pleasant interchange of courtesies was destined to a rude interruption. As the French agent by December, 1779, had received all the flour to which he was entitled, the council directed the purchasers to send the rest to the Continental representatives.[78] Purchases by real or pretended French agents had raised prices to such an extent that some prohibitive action seemed necessary, yet even then the council granted a vessel permission to load provisions for the French fleet.[79] The great distress of the Continental army brooked no hesitation, and after the Assembly had passed an enabling act the governor issued a special proclamation for the strict enforcement of the law to seize all surplus grain or flour.[80] Unless the needs of the army were soon met, an immediate disbandment was feared. Under such circumstances the council included in the order for seizure the flour collected for the French fleet.[81]

These forcible measures aroused an indignant protest, the French minister complaining to Congress that, if the order was allowed to stand, it would be impossible to supply the fleet. As the French agent had greatly exceeded the amount of flour originally allowed, the council respectfully, but firmly, insisted that these seizures must continue until the army was fully supplied.[82] Congress settled the difficulty by asking Maryland to give the French agent sufficient flour to make in all fifteen thousand barrels.[83] This settlement was accepted, provided the flour necessary to complete the contract should be deducted from the Continental requisi-

[78] Council to Richd. Dallam, Dec. 3, 1779, Council Correspondence, 43.

[79] Pretending to be agents of the French, several persons evaded the laws against speculation in provisions. House of Delegates Proceedings, Dec. 11, 1779; Council Proceedings, Dec. 8, 1779.

[80] Council Proceedings, Dec. 29, 1779.

[81] Council Proceedings, Dec. 29, 1779.

[82] The French agent in Baltimore attempted to resist forcibly the execution of this order. Council to the Commissioners of Cecil county, and Baltimore, Jan. 17 and 18, 1780, Council Correspondence, 55-57; Chevalier de la Luzerne to Congress, Jan. 10, 1780, Brown Book No. 7, 41.

[83] Journal of Congress, III, 441.

tions. Evidently Maryland intended to accept no dictation from Congress on this score. The wheat already seized from the French agents was restored.[84] To avoid all further abuses, this flour for the French fleet was afterwards collected by the regular Continental, or by State agents.[85] Permits were readily granted to ship flour to the fleet, and upon the application of Congress three thousand extra barrels were exported for the French vessels in the West Indies.[86]

During the period from 1777 to 1781 the State government of Maryland amply demonstrated the importance which it attached to commercial interests. In the adjustment of such relations both with other States and with foreign countries, the prerogatives of a sovereign State had been exercised. Even the treaty-making power had only been delegated to Congress subject to confirmation by the Assembly. The administration had, moreover, proved fully capable, with the patriotic aid of citizens, of defending the commerce of the State, calling upon Congress only once for help.

The governor and his council had assumed the initiative when necessary, refusing to execute impolitic measures at the bidding of Congress, or to be threatened by the French minister. The expeditions fitted out to secure military stores indicated the intention to employ every possible means of helping the Continental army.

With comparatively limited resources, Maryland had relieved the needs of other States, as well as of the Bermudas, and of the French fleet. This aid, in addition to the large supplies sent the army, had constituted a heavy drain. The successful enforcement of an embargo, and of strict laws against speculation proved the strength of the sentiment in favor of the Continental cause.

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[84] Council to Wm. Smith, Apr. 1, 1780, Council Correspondence, 83.

[85] Council to Wm. Smith, Apr. 5, 1780, Council Correspondence, 84-5.

[86] Council Proceedings, Apr. 1 and 22, 1780; R. Morris to Gov. Lee, July 18, 1780, Red Book No. 8, 6; Council to Chevalier de la Luzerne, July 28, 1780, Council Correspondence, 141-42.

CHAPTER VI.

Internal Disturbances.

Internal resistance hindered somewhat the varied activities of the new State government. Frequent disturbances were due to the machinations of the many Tories, while alarms of British invasion often aroused the State.

Trouble on the Eastern Shore broke out early in February, 1777, chiefly in Somerset and Worcester counties. In the former county four hundred organized Tories were reported to await aid from British men-of-war in the Bay. The council of safety ordered out all the available militia to suppress this force and appealed to Congress for additional troops.[1] The Assembly issued a proclamation offering pardon to the people of Somerset and Worcester counties if they dispersed within forty days, giving up their arms and taking the oath of allegiance. The leaders of the insurrection were excepted from this amnesty.[2] The disturbance promptly collapsed before these firm measures. To prevent a recurrence of the outbreak, a small permanent force sent by Congress under Colonel Richardson was retained in the disaffected counties.[3] The magnanimity displayed even toward the leaders who had been excepted from the amnesty attests the intention of the State government to end the revolt rather than to punish the Tories. When once the insurrection had

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[1] Deposition of Capt. Wm. Paterson, Feb. 6, 1777, State Papers No. 70, 143; Council of Safety to ———, Feb. 3, and to Congress, Feb. 6, 1777, State Papers No. 70, 136.

[2] House of Delegates Proceedings, Feb. 13, 1777.

[3] Gov. Johnson to the President of Congress, Apr. 23, 1777, Archives, XVI, 225-26. With the troops sent by Congress, 1700 in all had been available, but it was necessary to use only a small part of this force. Senate Proceedings, Feb. 8, and House of Delegates Proceedings, Feb. 21, 1777.

been effectually suppressed, the display of a conciliating spirit was an excellent means of preventing a recurrence.[4]

Late in the summer of 1777 an armed body of eighty men, alleged to have been led by Methodist preachers, did much damage in Queen Anne county before they were dispersed by the militia, aided by Colonel Richardson's force.[5]

The Assembly passed several measures directed against the Tories. An act of the February session, 1777, empowered the governor and council, during an invasion of the State, to arrest any person considered dangerous, suspending the right of habeas corpus. Office holders and voters were required to take an oath of allegiance, and anyone traveling without a pass was liable to arrest. Other clauses prescribed severe punishment for any disloyalty to the State.[6] For two sessions the Senate refused to pass a bill requiring all citizens, under penalty, to take an oath of alle-

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[4] A few instances of this conciliatory policy may be cited. At one time as many as 200 Tories were discharged in Somerset county, after they had taken the oath. Rev. Jno. Bowie, one of the most violent Tories, was discharged after he had given bond to remove from Worcester county at the pleasure of the governor and council. Council Proceedings, Mch. 9 and Apr. 3 and 4, 1777, Archives, XVI, 193, 197 and 199.

Thos. and Wm. Pollitt, who had been excepted from the amnesty, averred that they were ignorant deceived persons, and asked pardon for their conduct. Their petition was heeded. "Petition of Thos. and Wm. Pollitt, Apr. 1, 1777," Blue Book No. 4, 1; Journal of the Council, Apr. 4, 1777, Archives, XVI, 200.

Only a few of the leading Tories were confined and this was done under most lenient restrictions. Dr. Cheney, one of the leaders, who was confined at Queen Anne's, received permission to exercise with his keeper not over a mile from town. Other Tory prisoners were for safe-keeping removed to Frederick. Journal of the Council, Sept. 10, 1777, Archives, XVI, 368.

[5] Wm. Paca to Gov. Johnson, Sept. 6, 1777, Archives, XVI, 364-65. Much antagonism at this time was shown in Maryland to the Methodist preachers. Wesley's intense loyalty and his writings against the revolted colonies were well known, and his followers suffered accordingly, many of them being arrested. Journal of Rev. Freeborn Garrettson, 63-68, also 112, ff.

[6] High treason was punishable with death. Other crimes, for which imprisonment and various fines as high as £1000 were imposed, were: dissuading anyone from enlisting; concealing treason; and writing or printing anything against the United States. This act was to be read publicly in the courts and in the churches. Acts of the Assembly, Cap. XX, Feb. session, 1777.

giance. Perhaps overcome by the weight of public opinion, this conservative stand was abandoned in the fall of 1777, and the universal test oath was legalized.[7] Before March 1, 1778, every male inhabitant of the State over eighteen was obliged to subscribe an oath of fidelity to the State. Upon those who refused the law imposed a penalty of treble the usual tax. After May 1, 1778, beside forfeiting all civil rights, these nonjurors were debarred from any of the learned professions or from trade. The treble tax was likewise imposed upon those who had left after August 14, 1775, unless they returned and took the oath by September 1, 1779.[8]

Numerous signatures to the oath of allegiance were obtained in the specified time. Toward delinquencies due to sickness or absence the Assembly exhibited much toleration, extending the time limit. Persons mentally unsound were relieved of all obligation.[9] Even against those refusing to take the oath, the full rigor of the law does not appear to have been enforced, except where there was actual disturbance. On the plea that the Assembly should not assume a judicial function, and that the act already passed was suffi-

[7] Senate Proceedings, Apr. 18, 1777; Maryland Gazette, July 3, 10, and 17, 1777.

[8] Acts of the Assembly, Cap. XX, Oct. session, 1777.

[9] The incomplete returns obtainable show at least the following number of signatures in the different counties: Baltimore county, 2021; Calvert county, 724; Dorchester county, 649; Harford county, 1018; Montgomery county, 1506; Talbot county, 782; Somerset county, 509; Charles county, 1452, and Anne Arundel county, 1190, in all 9851. Gen. Gist estimated the population available for military service at 30,000, so probably 35,000 were affected by this law. The returns are incomplete even from the counties given, while 9 counties are not included, so that even an approximate estimate of the total number of signatures cannot be obtained. See Original Returns to the Governor and Council, also Red Book No. 22 and Blue Book No. 5. For the benefit of certain persons prevented by sickness from taking the oath the time was extended to Aug. 1, 1778. Two persons of unsound mind were excused by the same act. Acts of the Assembly, Cap. IX, Mch. session, 1778. Other persons were given until Feb. 14, 1779, to subscribe. Acts of the Assembly, Cap. XXIV, Oct. session, 1778. Those taking the oath in one county were required to transmit it at once to other counties in which they owned property. Acts of the Assembly, Cap. XXIII, Oct. session, 1778.

cient, the Senate refused its assent to a bill enforcing the treble tax.[10] Probably this action was much influenced by the consideration that a not too rigid enforcement of the penalties might win many Tories from their old allegiance.

This conciliatory policy continued. Those guilty of treasonable conduct were pardoned outright or else released on bond.[11] Trouble in obtaining an attorney-general delayed the special court to try Tories on the Eastern Shore until after the appointment of Luther Martin, February 17, 1778. At least two commissions had been necessary to secure justices after the proceedings of this court had been removed to Talbot County.[12] Very few, if any, severe sentences appear to have been inflicted upon the Tories. Rather they were merely chided and prevented from doing actual harm.[13] The long delay caused much suffering among the prisoners who were collected at Cambridge for safe-keeping. Crowded together and in want of sufficient clothing and food, these prisoners petitioned for speedy release.[14]

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[10] Senate Proceedings, June 23 and Dec. 15, 1778.

[11] A few instances may be cited. Edward Tighlman, Jr., committed for the General Court in default of £5000 bond, confessed that he had gone to Philadelphia without leave and had been given his parole on condition he would do nothing against the King, and would return to British headquarters when required. The council later ordered his release. Council Proceedings, Mch. 26 and July 29, 1778, Archives, XVI, 552-53, and XXI, 169. John Green, lately on board the galley Baltimore, was discharged, although accused of insurrectionary language, upon giving a bond of £250 to act as a true and faithful subject of the State. Council Proceedings, Mch. 31, 1778, Archives, XVI, 559-60.

[12] Council to Justices of Special Court, Feb. 17, 1778, Archives, XVI, 504; Council Proceedings, Jan. 9, 1778; Council to T. Wright, Feb. 11, 1778, Archives, XVI, 463 and 488. Already two commissions had been issued for this court to sit in Queen Anne county. Council to Special Commissioners, May 16, and Council Proceedings, July 5, 1777, Archives, XVI, 256 and 308.

[13] The indictments found by the General Court of the Western Shore were mainly for preaching the Gospel without previously taking the oath, for forgery, and for treasonable conduct. Court Records, 64, 351-502.

As a typical case, Joshua Cromwell was adjudged guilty of teaching the Gospel without previously taking the oath, and was fined £13 14s. 6d. Court Records, 64, 357.

[14] Petition of 47 prisoners in Cambridge jail, Oct. 3, 1777, Blue Book No. 2, 4.

A deserter named Sterling in 1778 successfully aided James Chalmers, a resident of the State, to recruit for the British in Sussex county, Delaware, and in the adjoining counties of Maryland. The Maryland Loyalist Regiment, which he enlisted, numbered 336 men in May, 1778. The lack of armed galleys precluded any effort by the State to hinder the departure of this armed force from Annimessex Island.[15]

Similar outbreaks in Delaware greatly influenced these Tory troubles on the Eastern Shore. The disorders became so great that in March, 1778, the militia of Somerset county was called out, but as few persons could be trusted with arms, this force was not very effective.[16] A party infesting Hooper's Strait and the neighboring country added to the general disorder, plundering several small vessels, and even robbing plantations. The long delay of the courts and the frequent escapes of the prisoners, it was feared, encouraged such outbreaks.[17]

To end these increasing disturbances, which threatened the security of the entire Eastern Shore, the State executive was empowered to call out the necessary militia and to fit out galleys for service in Tangier Sound. Provision was made for an infantry company of one hundred men to serve in Somerset county. The same law ordered the seizure of all firearms belonging to nonjurors, and of any vessel sus-

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[15] Wm. Duer and others to Gov. Johnson, also Council to Md. Delegates in Congress, May 16 and 22, 1778, Archives, XXI, 89 and 106-7.

Jas. Chalmers had been commissioned by Sir Wm. Howe to enlist this regiment. After the British evacuated Philadelphia, this force served in New York and then in Florida. Upon the conclusion of peace most of the men migrated to Nova Scotia. Cf. Orderly Book, Maryland Loyalist Regiment, 6-12. Among the officers were Daniel Dulaney Addison, Philip Barton Key, afterwards a distinguished lawyer and member of Congress, and the Rev. John Patterson, a notorious Tory. Cf. Sabine's American Loyalists.

[16] Nathaniel Potter to Gov. Johnson, Mch., 1778, Blue Book No. 4, 66; Council to Geo. Dashiell, Mch. 16, 1778, Archives, XVI, 538-39.

[17] Council to Commodore Grason, and H. Hooper, Mch. 30, 1779, Archives, XXI, 333-34.

pected of communication with the enemy.[18] Until the regular force was mustered, thirty-two artillerymen with two field pieces were sent to Somerset county, instructed to overcome the insurgents by arms, and, if necessary, to cross the borders of the State.[19] Apparently these energetic measures were temporarily successful.

The upper part of the Eastern Shore had not been free from Tory outbreaks. A simultaneous rising in Delaware, in Queen Anne county, and on Jordan Island in the spring of 1778 promised serious results unless speedily checked. At Jordan's Island over two hundred Tories, who had built a block house, made even daylight expeditions robbing the surrounding country, and taking several prisoners.[20] Great mischief was done by Tories in the upper part of Queen Anne and in Kent county. This disorder was finally suppressed by the militia.[21]

A liberal policy continued in 1779 in dealing with individual Tories. The Assembly temporarily suspended collection of the treble tax, and relieved certain disaffected persons of disabilities.[22] Over a thousand petitions were received from nonjurors who had been prevented from taking the oath in the specified time. Many Germans complained that the difficulty of obtaining a translation of the law had delayed them. A number of these petitions were

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[18] Acts of the Assembly, Cap. VIII, Mch. session, 1778.

[19] Council to Lt. Gale, Col. Helmsley, and Col. Bordley, Apr. 17, 1778, Archives, XXI, 38-40.

[20] Sam'l Patterson and Chas. Pope to Gov. Smallwood, Apr. 13 and 14, 1778, Red Book No. 7, 115 and 116.

[21] Council Proceedings, May 23 and 29, 1778, Archives, XXI, 107 and 114.

[22] The treble tax was suspended until Nov. 10, 1779, when it was again remitted to the close of the session. Acts of the Assembly, Caps. XIV, July session, and I, Oct. session, 1779.

Rev. Bartholomew Booth was permitted to preach the Gospel and to teach in public schools upon taking the oath of fidelity. Jas. Bartlett was relieved from all penalties imposed upon nonjurors, since he had been insane for several years. Acts of the Assembly, Cap. XIV, Mch. session, 1779.

granted, and several persons who had left the State in 1775 were allowed to take the oath upon their return.[23]

Fearing a rising of the disaffected, warning was given May 25, 1779, that the extraordinary power to arrest any dangerous individual would be unhesitatingly employed by the governor and council.[24] Extreme measures were not adopted, although notorious offenders were placed under arrest, and heavy penalties were sometimes imposed for a comparatively light offense.[25]

The policy of conciliation continued for a time in 1780. The Assembly passed an act at the spring session ordering collectors to enforce the treble tax, but in June it was suspended until fall. A few of the petitioners for absolute relief from this tax were granted until October 1, 1780, to take the oath.[26] The non-success of this pacific policy finally caused a sterner spirit to be displayed. The fall session of the Assembly deprived nonjurors of the rights to vote and to hold office, but gave them until May 1, 1781, to subscribe to the oath of fidelity.[27] The treble tax was remitted for previous years, but was to be levied and collected for 1781.[28]

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[23] Acts of the Assembly, Cap. XXI, July session, 1779; House of Delegates Proceedings, Aug. 9, 1779; Council Proceedings, July 21, etc., 1779, Archives, XXI.

[24] Council to Wm. Bordley, May 25, 1779, Archives, XXI, 419.

[25] As an instance of these heavy penalties upon disturbers of the peace, Wm. Jaris and his accomplices were convicted of riotously taking away 20 bus. of corn, the property of Francis Rawlings of Anne Arundel county. They were condemned by the General Court of the Western Shore to pay fines varying from £25 to 7s. 6d. Court Records, 66, 23.

[26] Acts of the Assembly, Cap. XXV, Mch. session, 1780, and Caps. XV, and XVIII, June session, 1780; House of Delegates Proceedings, June 27, 29 and 30, 1780.

[27] Acts of the Assembly, Cap. XLVI, Oct. session, 1780.

Benedict Calvert of Prince George county was exempted from all penalties, but deprived of the right to vote or hold office. He had presented ten horses in lieu of his treble tax which had been judged unfit to use. Instead, he was required to give 40 hhds. of good merchantable tobacco before Mch. 10, 1781.

Abraham Ditto of Baltimore county, who had taken the oath in Harford county, was relieved of all disabilities.

These two instances are typical. Acts of the Assembly, Cap. XXIV, Oct. session, 1780.

[28] Acts of the Assembly, Cap. XLVI, Oct. session, 1780.

The council ordered that any person traveling without a pass should be arrested as a suspicious character and held for further examination.[20] Strenuous efforts were made to bring to justice persons accused of treason who had fled to another State.[20]

The necessity for special measures to stop the frequent outbreaks on the Eastern Shore soon became apparent. As the islands below Hooper's Strait had long been infested by piratical ruffians, who had caused great disorder, and had afforded much aid to the British cruisers, the Assembly ordered the removal of the inhabitants with all their possessions to the mainland. When necessary, the county justices were ordered to provide for them at the public expense. For the pacification of Somerset and Worcester counties, the Assembly provided for the enlistment of a troop of light horse and an infantry company, the men to receive substantially the same bounties, rations, and pay as Continental soldiers. A fort to be erected at the mouth of the Patuxent was designed to prevent the raids of small piratical crews.[21] Since much opposition had been manifested in

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[20] Rev. Freeborn Garrettson, a Methodist minister, was among the ones affected by this order. He had failed to take the oath required in Delaware, and as he refused to do so in Maryland, he was only released upon a bond of $20,000 to appear in Delaware within 20 days. As this condition was fulfilled and he had satisfied the authorities of the latter State, he was finally released. Council Proceedings, Mch. 9 and Apr. 5, 1780; Council to Col. Joshua Beall, June 24, 1780, Council Correspondence, 120-2.

[20] Stephen Mister, accused of high treason, had escaped several times, but was apprehended at length in Richmond. The governor of Virginia was asked to give him up to Maryland for trial. Council to Gov. Jefferson of Va., Aug. 3, 1780, Council Correspondence, 150-51.

The return of Joseph Anderson was also requested. He had been captured on one of the British vessels infesting the bay, and taken to Richmond. Although appointed lieutenant on one of the State galleys, he had delivered a vessel owned in Baltimore to the British at New York. Having a thorough acquaintance with the bay, he was capable of doing much harm. He had taken the oath of fidelity, so, despite his British commission, he was no ordinary prisoner, but was wanted in Maryland for high treason. Council to Gov. Jefferson of Va., Sept. 13, 1780, Council Correspondence, 178.

[21] Acts of the Assembly, Cap. XXXIV, Oct. session, 1780.

Somerset county to the collection of taxes, authority was given to employ a small force of militia to enforce the laws.[32]

A very drastic act conferred upon the governor and council the unusual power to arrest any person whose unrestrained liberty was considered dangerous to the State. Such persons might be committed to jail or held on bond for good behavior. As a safeguard from arbitrary conduct, the Assembly required a list of all arrests of this kind.[33] Such a law was altogether in accord with the changed policy toward the Tories.

Toryism was not altogether confined to the Eastern Shore. Especially in Frederick county, there was an unmistakable sentiment in favor of the British, and many judgments of outlawry for treason were passed by the General Court at Annapolis against prominent citizens of the county.[34]

Closely connected with these Tory outbreaks were the many real or rumored British expeditions up the Bay. Rumors came late in March, 1777, that the Chesapeake was the destination of about three thousand British and Hessians who had embarked from Staten Island. If this danger should become imminent, the Assembly ordered the removal of all horses, cattle, and other stock from the shores of the Bay, and the mouths of rivers.[35] The great lack of men to form crews for light galleys precluded the coöperation proposed by the governor of Virginia for the protection of the Eastern Shore. Governor Johnson asked Congress to aid in the defense of the State.[36] Although this alarm proved without foundation in fact, it aroused a realization of the danger from a British attack.

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[32] Acts of the Assembly, Cap. XLI, Oct. session, 1780.
[33] Acts of the Assembly, Cap. L, Oct. session, 1780.
[34] Cf. Western Maryland in the Revolution, B. C. Steiner, 54.
[35] Jno. Hancock, President of Congress to Gov. Johnson, Apr. 2, 1777, Archives, XVI, 196-98; House of Delegates Proceedings, Apr. 8, 1777.
[36] Gov. Henry of Va. to Gov. Johnson, Mch. 12, 1777, State Papers No. 70, 173; Gov. Johnson to Gov. Henry, Apr. 29, and to the President of Congress, Apr. 21, 1777, Archives, XVI, 232-33, and 222-23.

Sir William Howe's expedition to Philadelphia with about three hundred and sixty vessels passed Annapolis August 20, 1777, on the way north. Expecting an immediate attack, the council ordered all non-combatants to leave the city. Preparations were made for an immediate evacuation, as the militia force was not considered sufficient for an effective defense.[37] When the enemy appeared off the Gunpowder River, the militia assembled without waiting for the governor's orders, and constructed a small fort. They were almost destitute of arms, but hoped soon to be supplied. The tradesmen of Cecil county showed an equal readiness in equipping them, and sails were seized to make tents.[38] Governor Johnson and his council also acted on their own initiative in the crisis, calling at once for two companies of militia from each Western Shore county to march to the Head of the Elk.[39] These energetic measures for self defense were of little practical service, for the enemy immediately began the journey to Philadelphia, doing little damage in Maryland except along the line of march.[40]

After the peril of invasion had passed, the Assembly relieved the governor and council of all blame for exceeding their powers in this crisis. Unpatriotic citizens who had refused to serve in the militia were fined, while any seizure of private property for the public welfare at this time was condoned.[41] Strict orders were issued for the seizure of any person communicating with the British while the vessels still

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[37] Council Proceedings Aug. 20, 1777, Archives, XVI, 339-40.

[38] Benjamin Rumsey, and Wm. Paca to Gov. Johnson, Aug. 24, and 30, 1777, Archives, XVI, 342-43, and 352-54.

[39] Maryland Gazette, Aug. 28, 1777.

[40] Washington to Gen. Armstrong, Aug. 25, 1777, Ford's Washington, 6, 52.

[41] The governor and council had ordered the militia out of the State, and had authorized certain persons to draw money from the Eastern Shore treasury without a warrant. Such acts, while strictly illegal, were necessary, and were forgiven by the act of indemnity. Acts of the Assembly, Cap. XVII, Oct. session, 1777.

remained in the Bay.[42] The militia was posted at suitable places to stop all intercourse with a British vessel which had gone up the Potomac ballasted with salt, and Virginia promised help with her galleys.[43] As a further measure of precaution, the more prominent Tories were closely confined, while many persons suspected of communication with the British were arrested.[44] The council prohibited any attempts to recover slaves fleeing to the British, since such a favor could only be granted under circumstances unfavorable to the Continental cause.[45] After this invasion, which had emphasized the danger in a severance of communication between the two shores, instructions to the county lieutenants of the Eastern Shore ordered that in such a contingency they should call out the militia without awaiting further orders.[46]

A small British fleet which came up to the mouth of the Patuxent in March, 1778, caused renewed preparations for an expected attack.[47] Kent, Cecil, and Harford counties each furnished two companies of militia, and the governor of Delaware was asked for aid in preventing a sympathetic

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[42] One man, it was alleged, had invited his neighbors to drive their cattle into his pasture, and had then sold them to the British fleet. Messrs. Tighlman and Sibley were accused of going on board, and a Mr. Atkinson, a disaffected citizen, had returned for secret purposes, it was claimed. W. Smallwood to Gov. Johnson, Nov. 5, 1777, and Council to Capt. Cook, Nov. 22, 1777, Archives, XVI, 409-10, and 423.

[43] Council to Capt. Cook, and to Lt. Ware, Nov. 21 and Dec. 9, 1777, Archives, XVI, 423 and 431.

[44] Council Proceedings, Sept. 12 ff, 1777, Archives, XVI. Upon their return, three men who had joined the British fleet from Dorchester county were arrested. A list of twelve fugitives, supposed to have fled from Cecil county to the British fleet, was handed to the council. Council Proceedings, June 4, 1778, Archives, XXI, 122.

[45] Council to Col. Lloyd, Feb. 6, and to G. Christie, Feb. 16, 1778, Archives, XVI, 484 and 501; Council to G. Dashiell, Apr. 6, 1778, Archives, XXI, 11-12.

[46] Council to Lieuts. of Worcester and Somerset counties, Jan. 9, 1778, Archives, XVI, 464-65.

[47] Council to Capt. B. Matthews, Mch. 9, 1778, Archives, XVI, 531-32.

rising of Tories on the Eastern Shore.[48] Later in the spring rumors of a larger fleet fitting out in New York for the Chesapeake proved unwarranted.[49] When reports came that an armed force of refugee Tories was destined for the Eastern Shore, preparations were made to call out the militia as soon as such an invasion should occur. The executive also took precautions against a rising of the disaffected.[50]

Constant alarms continued in 1779. An attack was feared in May from a large fleet which had been seen near the Capes. The council ordered that a large force of militia be ready to march on immediate notice for the defense of Baltimore. Part of the Anne Arundel militia came to protect Annapolis.[51] After the enemy landed in Virginia a further advance was feared, and lookout boats were sent down the Bay to give warning. An appeal for aid was made to Congress.[52] Upon the receipt of more alarming news the militia of Baltimore and Harford counties and part of the Anne Arundel quota marched immediately to Baltimore. General Gist came, at the request of the State executive, to superintend the defense of the city.[53] Several of the young men of Baltimore organized a voluntary troop of light horse to afford additional aid.[54] As the expected attack did not come to pass, the excitement soon subsided, and the militia returned home. From the frequent alarms, the public mind was at a fever heat, ready to give credence to the wildest

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[48] Council to Gov. Rodney, and to Capt. Hollingsworth, Apr. 8, 1778, Archives, XXI, 18-21.

[49] Extract of letter from Washington's headquarters, May 7, 1778, Archives, XXI, 73-74.

[50] J. Henry to Gov. Johnson, Oct. 21, and Council to Eastern Shore Lts., Oct. 21 and 25, 1778, Archives, XXI, 220-2 and 224.

[51] Council to Andrew Buchanan and Jas. Brice, May 16 and 17, 1779, Archives, XXI, 394-96.

[52] Council to Md. Delegates in Congress, May 20, 1779, Archives, XXI, 404-5.

[53] Council to A. Buchanan, Richd. Dallam, and Jas. Brice, May 20, 1779; Washington to Gen. Gist, May 27, 1779, Archives, XXI, 406-7, 426-27.

[54] Maryland Gazette, May 28, 1779.

rumor.[85] Despite the many false alarms, the militia had usually displayed great readiness to respond to these calls.[86]

Small raids which continued in 1780 were promptly checked.[87] On the Eastern Shore the continued fear of piracies rendered the inhabitants anxious for some organized plan of defense.[88] As many armed State boats as could be spared were sent in September to aid the militia in the capture of an armed barge lying off Tangier Island, which had done much damage, and was said to be aided by the disaffected on shore.[89] Three armed schooners went up the Patuxent November 5, 1780, burning two houses and taking away several negroes before a guard was appointed to prevent any repetition of this raid, which had been helped by the Tories.[90]

The rumor that Admiral Rodney's fleet, which had gone down to Sandy Hook, was destined for the Chesapeake caused general excitement, since a large British fleet had already arrived in the Bay. The State government took

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[85] Maryland Gazette, June 4, 1779; Council to Andrew Buchanan, June 3, 1779, Archives, XXI, 440. As an instance of the current credulous fear, several French vessels on their way to Baltimore created great consternation by their appearance off the mouth of the Patuxent, as they were at first confidently believed to compose a hostile fleet. Council to Gen. Gist, June 3, 1779, Archives, XXI, 440.

[86] So much trouble was experienced in holding the militia for the defense of Annapolis in camp that they were discharged to reassemble at a moment's warning. Journal of the Council, May 24, 1779, Archives, XXI, 413.

[87] Council to Andrew Buchanan, and to Jos. Wilkinson, Nov. 6 and 8, 1780, Council Correspondence, 205 and 207.

[88] The people of Vienna, a small town on the Nanticoke river, petitioned that they were practically defenseless, and feared the return of piratical crews from New York. These marauders, who were given shelter on the islands by Tories, threatened the stores of tobacco. If only a few cannon were sent them, the people promised to do their best to pay the heavy taxes which had been imposed. Cf. undated petition, Brown Book No. 5, 133.

[89] At least one citizen of Maryland had carried provisions to this vessel. Signals were arranged between the piratical crew and the Tories on shore, and 20 hhds. of tobacco had been taken in one river. Depositions, Sept. 2, 1780, Blue Book No. 4, 14; Council to Col. Dashiell, Oct. 4, 1780, Council Correspondence, 192.

[90] Jos. Wilkinson to Gov. Lee, Nov. 9, 1780, Red Book No. 32, 27.

ample measures for immediate defense.[81] In the midst of this general alarm, the necessity for some fixed plan of defense became apparent. The Assembly ordered two thousand militia armed at once, and appointed a special council to exercise full executive power on the Eastern Shore in case of actual invasion, reserving only the right to remove civil officers.[82] Certain military stores sent to Alexandria in January aided Virginia against the British. Although busily engaged in putting the State in a posture of defense, the council did not neglect to apprehend all disaffected persons, and to prevent any intercourse with the enemy.[83]

The council received many petitions during the period 1777 to 1781 for leave to go within the hostile lines. Usually such requests pleaded business as an excuse. Washington had ordered that all applications of this sort must be recommended by the State executive, and the governor and council deferred fully to his wishes.[84]

The damages to private property by the British made relief measures necessary. So much destruction took place on the march through Cecil county in 1777 that the inhabitants were unable to pay the taxes in full. The assessment law in 1778 exempted all persons whom the British had compelled to leave their homes, or had made unable to carry on their regular vocations.[85] A later act empowered the governor and council to give relief in certain designated cases.[86] To obviate the difficulty caused by the requirement that applicants for relief go personally to Annapolis, the Assembly authorized the county tax commissioners to determine the

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[81] Washington to the President of Congress, Nov. 14, 1780, Red Book No. 7, 12; Circular to County Lieutenants, Jan. 11, 1780, Council Correspondence, 92; House of Delegates Proceedings, Jan. 13, 1781.

[82] Acts of the Assembly, Cap. XXVII, Oct. session, 1780-81.

[83] Council Proceedings, Jan. 19, 1781.

[84] Washington to Gov. Johnson, May 29, 1778, Archives, XXI, 115; numerous recommendations for passes were made, but especially in the spring they were very charily granted. Council Proceedings, Aug. 27, Oct. 23, etc., 1778, Archives, XXI.

[85] Acts of the Assembly, Cap. VII, Mch. session, 1778.

[86] Acts of the Assembly, Cap. II, Oct. session, 1778.

justice of these claims.[67] To ease somewhat the burdens of the unusually heavy taxes for 1780, the lieutenants of the counties were allowed to make proper reductions.[68]

Beside the disturbances directly due to the Tories or the British there were few serious outbreaks. In both Baltimore and Frederick large number of the inhabitants rose in arms in 1777 to resist the enforcement of the militia laws, but they were soon dispersed without much difficulty.[69]

Indian outbreaks seriously retarded the development of the western frontier. They became most serious in 1778; many frontiersmen were murdered, and others were compelled to flee from their homes. The council finally sent a force of militia to quell these disturbances which were supposed to have been fostered by the British.[70] During another Indian rising in 1779 every effort was made to encourage the people to remain, and an ample force of militia was sent to aid them in the defense of their homes. The council hoped that the proposed westward campaign of the American army would effectually stop all such conflicts.[71] The few Indians residing on the Eastern Shore apparently caused no trouble during this period.[72]

Unless supported by public opinion, this energetic policy of the State government in suppressing all internal disturbances would have been impossible. The strong sentiment favoring the cause of independence was especially exemplified by the zealous readiness with which accusations of Toryism were made. Such charges rested often on the

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[67] Acts of the Assembly, Cap. XV, June session, 1780.

[68] Acts of the Assembly, Cap. IX, Oct. session, 1780.

[69] Council to Militia Officers, Oct. 3, 1777, Archives, XVI, 388-89 and 391.

[70] Council to County Officers, May 16, 1778, Archives, XXI, 86-89.

[71] Council to Dan'l Hughes, May 16, 1778, Archives, XXI, 89.

[72] Billy Nanticoke, the chief, and other members of the Nanticoke tribe residing in Dorchester county, petitioned to be incorporated with those of the tribe in New York, and that certain lands secured to them by the Assembly might be sold. The petition does not appear to have been granted at this time. House of Delegates Proceedings, Apr. 19, 1780.

merest trivialities, and sometimes provoked a lively newspaper war."

Samuel Chase in 1779 arraigned four members of the Senate as Tories. One of the accused legislators resigned before the half-hearted investigation was completed. The Senate repudiated these charges, but the guilt of at least two of the others was clearly shown." Before the final decision by the Senate, the drift of public opinion had been shown by the unanimous election of Samuel Chase as a member of the House of Delegates from Annapolis."

The demonstrations by the Whig Club against William Goddard, publisher of the Maryland Journal, were significant manifestations of the popular feeling. The Whig Club, a quasi-secret organization, was formed by many prominent citizens of Baltimore to punish Tories and other disturbers of the peace who might otherwise escape punishment through the loopholes of the law. The constitution gave a complete organization and prescribed a fixed procedure for the trial and sentence of all accused persons. The members of the club were sworn to detect traitors and to punish conspirators against the Continental cause."

The Maryland Journal, a paper of rather Tory proclivities, February 25, 1777, contained an article signed by Tom Tell

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" A Mrs. Hutton of Prince George county was accused of Tory proclivities owing to an alleged refusal to respond to a toast to Washington. The charge seems to have originated at a dinner party she had given. The company of ladies had all drunk to the health of the commanding general upon the toast of an American officer's wife, but Mrs. Hutton, when called upon, declared that political and public affairs should be left to men. She therefore proposed "Peace and Quietness." This incident produced a wordy newspaper war. Maryland Gazette, July 3, 1777, and following issues.

" Senate Proceedings, Mch. 17, July 21 and Aug. 3, 1779.

" House of Delegates Proceedings, July 28, 1779.

" Maryland Journal, Feb. 11, 1777.

Among the more prominent members of the Whig Club were: Jas. Nicholson, captain of the U. S. frigate Virginia; Daniel Bowley, Hugh Young, and David Stewart, prominent merchants; Benjamin Nicholson, judge of the Admiralty Court; Nathaniel Ramsay, a brave officer in the American army, and a delegate to Congress. A membership list of such representative men shows the great influence of this organization. Cf. list, Goddard MSS., Library of Congress.

Truth which congratulated the country upon the terms of peace offered by Lord Howe. Praising the British government in the most extravagant terms, the author expressed a desire for an early peace.[77] So pro-British a publication incurred the resentment of the Whig Club. Representatives of the organization called upon Goddard, March 3, demanding the real name of the author of the obnoxious article. When the unfortunate printer refused this request, he was haled before the Whig Club. Assuming the powers of a legal assembly, this self-constituted court condemned him to leave the town by twelve o'clock and the county within three days. Goddard, who was by this decree exiled from his home and business, appealed to the Assembly.[78]

In extenuation of this riot the officer in charge of the magazine at Baltimore reported that, upon the complaint of Goddard, he had sent a detachment of soldiers to protect him, but they had refused to fire upon the loyal and representative body of men who were engaged in the affair.[79] By order of the Assembly the governor issued a proclamation directed especially against the Whig Club, which ordered all persons associating together to usurp the powers of government to disperse. The justices of Baltimore county were asked to preserve peace and to afford full protection to all citizens, particularly to William Goddard.[80]

The severe handling he had experienced did not prevent Goddard from continuing to print articles of a strongly Tory flavor.[81] His paper gave special prominence to a most virulent acknowledgment by the Tories in New York of the terms of peace offered by the British commissioners. This address, which was copied from the London Post, intimated that there were thousands of loyal citizens in Amer-

[77] Maryland Journal, Feb. 25, 1777.
[78] House of Delegates Proceedings, Mch. 7 and 10, 1777.
[79] Wm. Galbraith to Gov. Johnson, Mch. 26, 1777, Red Book No. 3, 44.
[80] Maryland Gazette, April 17, 1777.
[81] Cf. files of the Maryland Journal for 1777, 1778 and 1779.

ica only awaiting a favorable opportunity to declare themselves. Other equally offensive statements were made.[82]

The climax was reached July 6, 1779, by the publication, at the request of General Charles Lee, of several queries justifying his own conduct and casting severe aspersions upon Washington. Aroused by this article, an angry mob broke into the printer's room at night, demanding his appearance at the coffee house. Goddard by a vigorous defense induced the rioters to leave after they had extorted from him a promise to appear for trial in the morning. The next day he was submitted to much indignity, carted through the streets with a halter about his neck, and compelled to reveal many of his business secrets. His house was pillaged, but he at length managed to escape, and appealed for protection to the governor.[83] In a retraction he made ample apologies to Washington, though this forced statement was afterwards withdrawn.[84]

The citizens of Annapolis, also, manifested a determination to support the government. A Mr. Lawrence of Pennsylvania, against whom the Tory laws were enforced, attempted violently to revenge upon the governor his condemnation. Charles Carroll of Carrollton presided over a meeting which indignantly rebuked such conduct. Resolutions were passed requesting Mr. Lawrence to leave Annapolis as speedily as his health permitted, since his presence was most distasteful to the citizens. Nor should he be allowed to return, except with the permission of the governor and council.[85]

Under such assumed names as Americanus, Cato, and Publicus, many writers reflected in the press the drift of public opinion. The two principal newspapers in the State were the Maryland Gazette and the Maryland Journal, published respectively in Annapolis and in Baltimore. The former, as the semi-official organ, was strongly patriotic. The Tory

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[82] Maryland Journal, Jan. 5, 1779.
[83] Memorial of Wm. Goddard, July 13, 1779, Red Book No. 3, 38; Jas. Calhoun to Gov. Johnson, July 15, 1779, Red Book No. 3, 41.
[84] Maryland Journal, July 14 and 27, 1779.
[85] Maryland Gazette, Nov. 19, 1779.

proclivities of William Goddard, the printer of the latter, have already been noted.

Anonymous authors in the Maryland Gazette frequently expressed a strong sentiment against Tories and in favor of enforcing the laws passed to suppress them.[86] One writer whose article strongly smacked of Plutarch and of Rollins' Ancient History declared that, as the Tories had joined the British army in Georgia and the Carolinas even after taking the oath, they should never be treated as trustworthy friends. He insinuated that they had planned the invasion of Virginia.[87] Another anonymous author implied that some persons high in power were traitors, and warned the people against those who with soft speeches were ever ready to betray them to Great Britain. Calling attention to the agitation for enforcing the acts against Tories, this author advocated the employment of the fullest rigor of the law against such persons.[88] A resolution passed the latter part of July, 1777, by five hundred voters of Anne Arundel county instructed their representatives in the Assembly to oppose any measure for the relief of nonjurors.[89]

Despite this strong current of anti-Tory feeling, much latitude in the expression of pro-British opinion was permitted. While a few patriotic writers appeared in the columns of the Maryland Journal, Goddard published many articles tending to bring the American cause into disrepute. Only when such attacks became virulently personal did they arouse active hostility. Frequent and copious quotations were made from London papers in favor of reconciliation, and the manifesto issued by the King in 1778 to the American people was printed in full together with his proclamation.[90] Before the appearance of the queries by Charles Lee which brought William Goddard into so much trouble, a

[86] Cf. the complete files of the Maryland Gazette in the State Library, Annapolis.
[87] Maryland Gazette, July 2, 1779.
[88] Maryland Gazette, July 16, 1779.
[89] Maryland Gazette, July 30, 1777.
[90] Maryland Journal, Oct. 20, 1778.

defense of this general was copied from the Pennsylvania Packet, which alleged that many attempts had been made during the trial to render him unpopular. At a time when patriotic feeling ran high, it is surprising that more riots were not caused by publications of this kind.[81]

A conservative policy toward the Tories had been maintained throughout the period, 1777-1781. The State government had attempted to conciliate rather than to suppress them by severe penalties. With the exception of the troubles on the Eastern Shore no serious outbreak had occurred, and even these disturbances were quickly and effectually quelled. Toward the end of the period the continual strife fostered by the Tories caused a tendency to inflict more severe punishments. The enforcement of the treble tax and the confiscation of British property were significant effects of such a change in policy.

The State government had amply demonstrated its ability to quell internal disturbances without any considerable outside help. This same self-reliant spirit was displayed in repelling British attacks, and only seldom had the aid of Congress been asked. The aggressive conduct of both Governor Johnson and Governor Lee, who had not hesitated in crises to exceed their powers, had influenced greatly the pacification of the State.

Without the support of public opinion, manifested in such various channels, it would have been impossible to resist with so much energy all these outbreaks of hostility. The loyalty of the majority of the inhabitants of Maryland had not failed in the test.

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[81] Maryland Journal, Dec. 21, 1779.

SUMMARY.

In the brief space of four years the State government of Maryland had accomplished much work. The task of organization was well carried out. A new form of administration dependent upon the people replaced the old Provincial government, in which the executive and the Upper House of the Assembly had been subject to the Crown or the Proprietary. The differentiation of the legislative, the executive, and the judicial functions marked this successful transition to the State government.

The attitude assumed by Maryland awakened public attention to the necessity for a common ownership of the western lands. As a result of so firm a stand the States asserting exclusive domain over the territory were ultimately induced to cede these claims for the general benefit. This achievement, largely due to the influence of Maryland, was of the greatest importance in the national development.

Much aid was extended to the Continental army. The State government even risked unpopular measures, imposing drafts in order to obtain sufficient troops for the campaign. At least one-tenth of the available military population remained constantly in the field, while each year the State contributed toward the varied expenses of the army about three-tenths per cent of its entire taxable basis. In addition it was necessary to keep up an expensive navy, to pay the unusually heavy cost of collecting taxes, and to meet the other expenses of government. A large part of the Eastern Shore, one of the most productive regions of the State, was almost constantly disturbed by insurrections. As the rest of the State mainly supported the burden of taxation, this record of aid is all the more honorable.

Important fiscal reforms helped to carry out these measures. The depreciated paper money resting upon the rather

insecure foundation of State credit was greatly reduced. A sinking fund guaranteed the new issues. A system of taxation was evolved which yielded each year increased returns.

The Assembly attempted to regulate commercial interests with the other States, and encouraged immigration. State aid resulted in the establishment of several factories, though commerce was much hampered by the embargo and anti-speculation laws imposed in order to facilitate the supply of the army. Large quantities of wheat, flour, and other provisions were sent to the New England States, to Virginia, to the Bermudas, and to the French fleet.

Success attended the attempts to suppress the repeated troubles on the Eastern Shore fomented by Tories. In combating Toryism the State government displayed much conservatism, enforcing harsh laws only when such action was absolutely necessary. The State militia promptly armed on several occasions in anticipation of British invasions.

The Assembly, as the sole source of legislative power, assumed the chief authority. The Lower House, rather more radical in its tendencies, was held in check by the more conservative Senate. The governor and council, aided by the local executive officials, efficiently enforced the laws passed by the Assembly. In a crisis neither Governor Johnson or Governor Lee hesitated to assume the initiative by exceeding the legal limits of their power. This action, which was principally taken to obtain much needed supplies or to pacify the State, was always marked by discretion. At a period when war absorbed much of the public interest, the work of the judiciary was of comparatively little importance.

From the inauguration of the State government, February 5, 1777, to the final ratification of the Articles of Confederation, March 1, 1781, Maryland was an independent State entering into the deliberations of Congress as a sovereign ally. This position was maintained in both internal affairs and outside relations, especially in the following instances.

Interference by Congress with internal administration was

not tolerated. The convention repudiated the arbitrary decree for the arrest of Governor Eden, and the Assembly observed the same policy, severely reprimanding Captain Nicholson and Major Lee for violations of the rights of private citizens.

As one of the allied States, Maryland preserved this attitude in dealing with Congress. The refusal of the convention to define exactly the powers of Congress was upheld by the action of the Assembly. An outcome of such a policy was the failure to ratify the Articles of Confederation without some guarantee for a mutual ownership of the Western territories. The claim that the title to the back lands, the property of the British Crown, reverted to Congress would apparently entail a corresponding admission of Continental sovereignty. Since, otherwise, the entire attitude of the States points to an opposite conclusion, it must be admitted that, in this particular instance, this argument was employed in order to gain the end in view.

Congress merely "recommended" measures to the States, with no penalty for non-enforcement. Certainly in Maryland these resolutions were inoperative, unless approved by the Assembly, or by the governor and council. They were unhesitatingly rejected when the State government deemed them inopportune. Both Pulaski and Armand, even when under the special protection of Congress, failed to receive permission to recruit in Maryland. The attempts to impose local regulations upon the Maryland line almost led to the resignation of many officers. Coercion in the form of drafts for over-due taxes was quickly resented.

The support accorded conventions to regulate the confused conditions of interstate commerce virtually disclaimed the authority of Congress over such matters. A proposal was made to settle in like manner a boundary dispute with Virginia.

Above all, in foreign relations the Assembly exercised the rights of sovereignty. The treaty-making power was delegated to Congress, not absolutely, but subject to the

approval of the Assembly. The very ratification by the Assembly of the treaty with France was a proof of State independence. In the passage of immigration laws, and in the imposition of duties the authority of Congress was not invoked, but these ordinarily sovereign prerogatives were exercised solely with regard to the interests of Maryland alone.

As a result of this independent attitude there were no calls for outside help in suppressing the various internal disturbances except in a few critical instances. Almost alone, the State forces put to flight the various marauders on the Bay, and overcame the different Tory outbreaks.

In Maryland, therefore, before the ratification of the Articles of Confederation, the sovereignty which the British Crown had possessed reverted to the State government. With respect to this particular State, Congress assumed and exercised such power only with the express approval of the legislative authority. This conclusion is in accord with the doctrine advanced by the advocates of State sovereignty.

When the Assembly was finally convinced that the necessity for union imperatively demanded ratification, and that the most objectionable obstacles had been removed, there was no reservation. Trusting to the honor of the other members of the Confederation to ensure justice, Maryland committed herself wholly to the union which she had favored from the first and which, throughout the period of the Confederation, received the whole-hearted support of the State.

LIST OF MANUSCRIPTS.

The following manuscript sources have been used in this study:

LIBRARY OF THE MARYLAND HISTORICAL SOCIETY.

Maryland Archives, in addition to the printed volumes, XVI, XVIII, and XXI:

Liber C. B., No 22. Council Correspondence, copy, May 29, 1779 to Nov. 10, 1780.

Liber 78, Council Correspondence, original letter-book, Nov. 14, 1780, to Nov. 10, 1787.

Liber C. B., No. 23. Council Proceedings, original record from the minutes, April 1, 1779 to Nov. 13, 1780.

Liber C. B., No. 24. Council Proceedings, original record from the minutes, Nov. 15, 1780 to Nov. 8, 1784.

Folio No. 87. A Collection of Authentic Documents, Papers, and Letters on Public Affairs from 1682 to 1785, prepared and recorded by David Ridgeley under authority of a resolution of the General Assembly of Maryland passed March 26, 1836.

Original Correspondence listed as:

Brown Books:

No. 1, 62 letters from Washington, 1777-99.

No. 2, Letters from Gen. Smallwood, 1777-82.

No. 3, Letters from Gen. Gist, and Gen. O. H. Williams, 1775-81.

No. 5, Miscellaneous Papers, chiefly War Department, 1777-83.

No. 7, Foreign Officers in the War of Independence, 1778-82.

No. 8, Military Correspondence, 1779-81, also Correspondence of the Representatives of France, 1779-83.

No. 9, Miscellaneous Papers, 1776-82.

Blue Books:

No. 2, Papers relative to Md. Stock in the Bank of England.

No. 4, Miscellaneous, 1778.

No. 5, Papers concerning Losses during the War of the Revolution and Information about British property.

Red Books:

No. 3, Goddard Papers and Miscellany.

Nos. 5, 7, 8, 9, 20, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32 and 33, Miscellaneous Correspondence, chiefly of an official character, 1777-1803.